
COMPLEMENTARY ELEMENTS FOR DISCUSSION UNDER ITEM 7 OF THE AGENDA FOR THE COMPLIANCE COMMITTEE

Prepared by IOTC Secretariat, 30 APRIL, 2018

PURPOSE

To bring to the attention of the Compliance Committee the actions undertaken by CPCs during the last intersessional period to address illegal, unreported and unregulated (IUU) fishing activities or fishing practices that undermines the effectiveness of conservation and management measures of the Indian Ocean Tuna Commission.

INFORMATION REPORTED TO THE IOTC SECRETARIAT

Information with regards to four Indian vessels:

- Attachment 1 – Information on the vessel EPHRAEM 1, flagged to India, submitted by the UK (OT) in March 2017.
- Attachment 1a – Information submitted by India on actions taken against the vessels EPHRAEM 1.
- Attachment 2 – Information on the vessel VAAZHVIN MANNA, flagged to India, submitted by the UK (OT) in March 2017.
- Attachment 2a – Information submitted by India on actions taken against the vessel VAAZHVIN MANNA.
- Attachment 3 – Communication from the IOTC Executive Secretary to India,
- Attachment 4 – Information on the vessel AL-AMEEN, flagged to India, submitted by the UK (OT) in February 2018.

No information has been provided by India on actions taken against the vessel AL-AMEEN.

- Attachment 5 – Information on the vessel MERMAID, flagged to India, submitted by the UK (OT) in February 2018.
- Attachment 5a – Information submitted by India on actions taken against the vessel MERMAID.

Information with regards to one Sri Lankan vessel:

- Attachment 6 – Communication from the IOTC Executive Secretary to Sri Lanka,
- Attachment 7 – Information on the vessel LAKSHI DUWA 6, flagged to Sri Lanka, submitted by the UK (OT) in February 2018.
- Attachment 7a – Information submitted by Sri Lanka on actions taken against the vessel LAKSHI DUWA 6.
- Attachment 7b – Recommendation of the UK (OT) in the case against the vessel LAKSHI DUWA 6.

Information with regards to one Seychelles vessel:

- Attachment 8 – Communication from Seychelles on actions taken against the Seychelles flagged fishing vessel, POSEIDON, March 2018.

RECOMMENDATION/S

That the CoC15:

- 1) **NOTE** paper IOTC-2018-CoC15-08a, which describes five incidences of illegal fishing activities that took place in the waters of the UK (OT), within the IOTC Area.
- 2) **NOTE** the actions that the concerned flagged States have taken against the vessels involved in those incidences.
- 3) **NOTE** the effectiveness of the bilateral relationship established between Sri Lanka and the UK (OT) with the objective of combatting IUU fishing activities.
- 4) **NOTE** the actions undertaken by the Seychelles in exercising effective flag State control.
- 5) **RECOMMEND** that CPCs continue to provide the Compliance Committee with information of actions they undertake to combat fishing practices that undermines the effectiveness of conservation and management measures adopted by the Indian Ocean Tuna Commission.



Dr Alejandro Anganuzzi
Ag. Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

1st March 2017

cc. Mr Herminio Tembe, Chair of the Compliance Committee;
Mr Hosea Gonza Mbilinyi, Vice Chair;
Mr Aditya Joshi, Government of India.

Dear Dr Anganuzzi,

T guqnwklp '33125' Qp' gawcdrluj lpi 'c' hlv' qh' xguugn' r' t guwo gf 'vq' j' cxg' ect t lgf 'qw' hww' huj lpi 'lp' vj g' KQVE' Ct gc' qh' Ego r gvgpeg' kpf k p' Hrci i gf 'Xguugn' Gr j t cggo '3'

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Ephraem 1. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

These details are provided as notification to IOTC Secretariat and Compliance Committee only. No further action is recommended.

The attached evidence shows:

- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Appendix I and II);
- The Master of the vessel was found guilty of fishing without a licence and possession of illegal gear in BIOT waters and was fined. The fine has been paid in full
- That the BIOT Administration has kept the Indian Authorities fully informed;
- That the Indian Authorities have provided no details of any actions they may have taken.

I would be grateful if you could circulate this material for the information of the Compliance Committee.

Thank you.

Yours sincerely

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, Ephraem 1

IQVE 'Tgr qt vpi 'lqt o 'lqt 'Kngi cilCevkxw

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in The British Indian Ocean Territory

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Ephraem 1 ((IND-TN-15-MM-5271)
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a
e	Photo	Yes, See Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Not known.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Master - Maria Jerin Yesudhason
i	Date of alleged IUU fishing activities	26/05/2016
j	Position of alleged IUU fishing activities	07° 03.85'S; 71° 17.22'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters and possession of prohibited fishing gear.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Owner found guilty of fishing without a licence and use of illegal gear. No action taken by Flag state.
m	Outcome of Actions taken	Fine paid in full

D0F gvcnu'qhiQVE 'Tguqnwkp'Gigo gpw'E qpv c xgpgf '''

(Indicate with a “X” the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings and photographs)

Appendix I – Photographs.

Appendix II – Record of Proceedings.

Appendix III – Report on Record of Proceedings to flag State (India).

Appendix IV – Request for Further Information on Ephraem 1 from flag State (India).

Appendix V – Report of payment of fine and release of vessel to flag State (India).

D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input checked="" type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input type="checkbox"/>

Appendix I – Photographs.

(a) Port



(b) Starboard



(c) Stern



(d) Fish in hold (1)



(e) Fish in hold (2)



(f) Longline fishing gear on deck (unstowed ready to deploy)



Appendix II – Record of Proceedings.



Mr Ryan Bilton
Clerk of the Magistrates' Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: Ryan.Bilton.UK@fe.navy.mil

RECORD OF PROCEEDINGS

Name: Maria Jerin Yesudhason

On the 3rd day of June 2016, before the British Indian Ocean Territory (BIOT) Magistrates' Court, Maria Jerin Yesudhason admitted having committed the following criminal offences:

CHARGE ONE

That you, Maria Jerin Yesudhason, being the Master of Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) did, between the 20th day of May 2016 and the 27th day of May 2016, fish within the waters of the British Indian Ocean Territory without a licence.

Contrary to Section 7(1) and Section 7(2)(i) the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE ONE

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) of which you are the Master was intercepted by the British Patrol Vessel the Pacific Marlin in the vicinity of Pitt Bank within the Marine Protected Area (MPA) of the British Indian Ocean Territory having been engaged in fishing activity there without having a licence issued by the Administration of the British Indian Ocean Territory to do the same.

CHARGE TWO

That you, Maria Jerin Yesudhason, being the Master of Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) on which there was found within the fishing waters of the British Indian Ocean Territory on the 26th day of May 2016 prohibited fishing gear, namely wire trace line.

Contrary to 6(1)(b) and 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE TWO

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) of which you are the Master was found an amount of fishing gear which is not legal to possess in the British Indian Ocean Territory, namely wire trace line.

SENTENCE PASSED BY THE MAGISTRATES' COURT

On the 10th day of June 2016, the following sentence was passed by the Magistrates' Court of the British Indian Ocean Territory.

In respect of the charge of fishing without a licence within the waters of the British Indian Ocean Territory **Maria Jerin Yesudhason** was ordered to pay a fine of 2866.66 GBP.

In respect of the charge of being in possession of illegal fishing gear, namely wire trace line within the waters of the British Indian Ocean Territory **Maria Jerin Yesudhason** was ordered to pay a fine of 133.34 GBP.

The Magistrate reduced the totality of the fines to 3,000 GBP to take into account the early pleas and co-operation.

Maria Jerin Yesudhason was also ordered to pay court costs of 100 GBP.

It was also ordered that all fishing equipment shall be seized and destroyed.

Payment was ordered to be made within 7 days or the deposit of a legal security for payment in full, for the total financial penalty. In the meantime, the vessel Ephraem 1 will remain in Diego Garcia pursuant to the provisions of section 20 of the Fisheries (Conservation and Management) Ordinance 2007.

If payment is not made within 7 days **Maria Jerin Yesudhason** may appear back before the court and the Magistrate will reassess the position.

If payment is not made within 30 days, the vessel may be forfeited and destroyed.

The banking details required for the electronic payment of the fine are as follows:

Bank Name:	Royal Bank of Scotland
Sort Code:	16-00-38
Account Number:	00717735
Account Name:	BIOT Revenue Account
BIC/SWIFT:	RBOSGB2L
IBAN:	GB43RBOS16003800717735

Written advice of credit is to be sent by Royal Bank of Scotland to:

The Royal Bank of Scotland PLC, London Drummonds Branch, 49 Charing Cross, London, SW1A 2DX.

Given under my hand and the seal of this court.

Mr Ryan Bilton
Clerk of the Magistrates' Court
British Indian Ocean Territory

Appendix III – Report on Record of Proceedings to flag State (India).



18 Queen Street
London
W1J 5PN
United Kingdom

Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

Dr. S Vijayakumar I.A.S by email: (ahsec@tn.gov.in)
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600-009

17 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>)
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessel FV Ephraem 1 in British Indian Ocean Territory (BIOT) Waters

The Indian flagged vessel FV Ephraem 1 (IND-TN-15-MM-5271) was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The Master of the vessel, Maria Jerin Yesudhason, entered guilty pleas to the following offences: (see attached Court Proceedings):

- Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.
- Possession of Prohibited fishing gear contrary to Section 6 (2) of the Fisheries (Conservation and Management) Ordinance 2007.

On 10th June 2016 the vessel Owner was fined £2866.66 for illegal fishing and £133.34 for possession of illegal gear (plus £100 costs). All fishing gear was ordered to be confiscated and destroyed. If payment is not made within 7 days Maria Jerin Yesudhason may appear back before the court and the Magistrate will reassess the position. If payment is not made within 30 days, the vessel may be forfeited and destroyed. The Magistrate has reduced the costs by 1/3 for both fines (not including court costs) for the co-operation and early plea thus making the total amount payable £3000. The defendant was ordered to pay the penalty within 7 days and is to remain in the territory until such time as the payment is made.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC
ENCL: Record of Court Proceedings

Appendix V – Report of payment of fine and release of vessel to flag State (India).



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Fax: (+44) 020 7499 5388
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Internet: www.mrag.co.uk

Dr. S Vijayakumar I.A.S by email: (ahsec@tn.gov.in)
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600-009

20 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessel FV Ephraeem 1 in British Indian Ocean Territory (BIOT) Waters

As previously notified to you on (17 June 2016) the master of the Indian flagged vessel FV Ephraeem 1 (IND-TN-15-MM-5271) was issued a fine of £3000 for fishing illegally and for possession of illegal fishing gear in the BIOT MPA.

The BIOT Administration can confirm that the fine has been paid. The FV Ephraeem 1 was released at 16:00 (local) on 18/06/2016. The Ephraeem 1 estimated it would take up to 10-12 days to return to its home port.

The BIOT Administration would be grateful if you could provide within 30 days of this letter (i.e. 20 July 2016) details of the actions taken in respect of the vessel, owner or master after the vessel has returned to port, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). Please could you indicate if additional time is needed to provide this information?

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or John Pearce (j.pearce@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Appendix IV – Request for Further Information on Ephraem 1 from flag State (India).



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Dr. S Vijayakumar I.A.S by email: (ahsec@tn.gov.in)
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600-009

20 July 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessel FV Ephraem 1 in British Indian Ocean Territory (BIOT) Waters

Following up on our letter dated 20th June 2016, the BIOT Administration would be grateful if you could provide an update on any actions taken by your authorities against the above named vessel, its owner and Master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). The original letter requested this information within 30 days, we assume that you need the additional time?

We note, through our British High Commission in Delhi, that there has been a general offer of assistance from the Indian Coastguard to pass on any data about Indian vessels heading towards BIOT, however we are looking for information on actions specifically against the Ephraem 1.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'. The signature is written in a cursive, slightly slanted style.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

ACTION TAKEN REPORT ON THE MECHANIZED FISHING BOAT REPORTED ILLEGAL
FISHING IN BIOT

NAME OF THE BOAT	:	EPHRAEEM-1
OWNER DETAILS	:	JEGAN S/O.YUSUDHASAN 16/265, ST.THOMAS COLONY, THOOTHOR. KANYAKUMARI DISTRICT, TAMIL NADU. 18.500/6.200/2.500
REGISTRATION NO	:	IND-TN-15-MM-5271
ENGINE DETAILS	:	Ashok Leyland APUE-251629 106
MEASUREMENT OF HULL (IN METRE)	:	Length: 18.500 (in Metre) Width: 6.200 (in Metre) Height: 2.500 (in Metre)
DATE OF OCCURRENCE IN DIEGO GARCIA	:	27.05.2016
DATE OF RETURN TO TAMIL NADU	:	
DATE OF CHARGE SHEET FRAMED BY ADF, COLACHEL UNDER TNMFR ACT. 1983	:	10.06.2016
FINE IMPOSED BY ADJUDICATING OFFICER/ DEPUTY DIRECTGOR OF FISHERIES, KANYAKUMARI	:	Rs. 15,000/- Date; 09.09.2016
DATE OF FINE PAYMENT AND DATE OF REMITTANCE IN GOVT. ACCOUNT	:	Fine Paid on 26.06.2016 and remitted in Govt. account on 27.09.2016
DATE OF IMPOUNDMENT	:	10.06.2016
DURATION OF IMPOUNDMENT	:	Boat impounded up to 26.09.2016

Adjudication Order of the Adjudicating Officer under Tamil Nadu Marine Fishing Regulation Act, 1983 / Deputy Director of Fisheries (Regional) Kanyakumari (A/c) @ Nagercoil.

Present : Thiru. C. Rubert Jothi, B.F.Sc.,

Rc.No. 1929/B/2016-2

Dated 09.09.2016

Authorized officer/
Assistant Director of Fisheries, Colachel.

- Petitioner

Vs

Thiru. Jegan
S/o. Yesudasan
16/265 St. Thomas Colony.
Thoothur,
Kanyakumari District.

Respondent.

The Authorised Officer/ Assistant Director of Fisheries, Colachel who is authorized under section-4 of Tamilnadu Marine Fishing Regulation Act 1983, filed a charge sheet on 11.06.2016 under section-5 of Tamil Nadu Marine Fishing Regulation Act, 1983 and subsection X and XII of section 6 of Tamil Nadu Marine fishing Regulation Rules 1983 against the owner of mechanized fishing boat bearing registration number IND-TN-15-MM-45271 , registered in the office of the Authorized officer/ Assistant Director of Fisheries, Colachel for crossing the Indian International Boundary line for fishing on 27.05.2016.

Based on the charge sheet, the Adjudicating Officer issued summon dated 30.08.2016 to the respondent to be present personally before Adjudicating Officer on 9th September 2016 at 11.00 am at the Office of the Adjudicating officer for the hearing on the charge sheet filed against the respondent.

Based on the above summon order both the respondent and petitioner argued before me and presented the cases on 09.092016.

Based on the arguments and documents presented by the petitioner and respondent, it is proved that the Mechanized Fishing Boat (Regn. No. IND- TN-15-MM-5271 violated the provisions of Tamilnadu Marine Fishing Regulation Act and Rules by fishing beyond the Indian International Boundary.

It committed a punishable offence under Tamil Nadu Marine Fishing Regulation Act 1983. Hence for the violation of section 5 of Tamil Nadu Marine Fishing Regulation Act 1983 and sub section 6(X) and 6(XII) of Tamil Nadu Marine Fishing Regulation Rules 1983 as provided under section 17 and 18 (1) of Tamil Marine Fishing Regulation Act, 1983 it is hereby ordered imposing fine of Rs.15, 000/ (Rupees fifteen thousand only)-.

The above fine amount shall be paid within 10 days from the date of this order in the Office of the Deputy Director of Fisheries (Regional), Kanniyakumari at Nagercoil. Failing which action will be initiated under section 21 of Tamil Nadu Marine Fishing Regulation Act 1983.

If there is any appeal against the above adjudication, the respondent shall prefer an appeal under section 19 (1) of Tamil Nadu Fishing Regulation Act 1893 to the Appellate Authority/ Commissioner of Fisheries, Teynampet, Chennai 600 006 within 30 days from the date of this order.

Affixed my signature with
office Seal on 9th day of
September 2016

Sd/- xxxxxxxxxxxxxx
Adjudication Officer/
Deputy Director of Fisheries (Regional),
Kanyakumari

To,
Thiru. Jegan
S/o. Yesudasan
16/265 St. Thomas Colony.
Thoothur,
Kanyakumari District.

Copy to:

Assistant Director of Fisheries, Colachel

- Entry has to be made in the register maintained for this purpose and follow the instructions of the Commissioner of Fisheries.

Copy Submitted to the Appellate Authority/ Commissioner of Fisheries, Chennai 6

Copy: "A" section

PROCEEDINGS OF THE AUTHORISED OFFICER, KANYAKUMARI (WEST)/ ASSISTANT DIRECTOR OF FISHERIES, COLACHEL.

PRESENT: J. NABIRAJ

CASE NO.4

DATE: 10.06.2016

R.C.NO. R.C.NO.332/B/2016

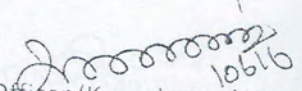
ORDER

The Authorized Officer, Kanyakumari (West) has the reason to believe that the Mechanized fishing boat bearing registration No.IND-TN-15-MM-5271 owned by Thiru. Jegan, S/o. Yesudhasan residing at St. Thomas Colony, Thoothur conducted fishing/used the fishing vessel on in contravention of the Tamilnadu Marine Fishing Regulation Act-1983 U/s. schedule sec 11 and Tamilnadu Marine Fisheries Regulation Rules – 1983 U/s 6 (Xii).

He is liable for punishment and hence the case is submitted before the Adjudicating Officer/Deputy Director of Fisheries, (Regional) Kanyakumari for adjudication. Pending final orders from the Adjudicating Officer, the following orders are issued in exercise of the powers vested to me U/s 15 of Tamilnadu Marine Fishing Regulation Act 1983 and U/s 9(1) Tamilnadu Marine Fishing Regulation Rules 1983.

1. The Fishing license granted to the above mentioned mechanized fishing boat is suspended till the adjudication is over.
2. The owner of the above mentioned fishing boat is here by directed to keep and protect his fishing boat in Colachel and should not venture into sea for fishing till the adjudication by the adjudication officer.

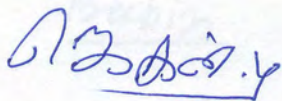
The above orders are issued on 10-6-16 under my signature and seal.

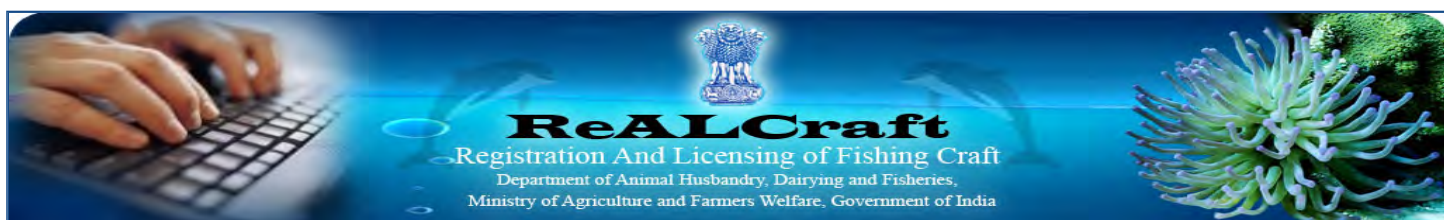

Authorized Officer (Kanyakumari West)
Assistant Director of Fisheries,
Colachel.

ASSISTANT DIRECTOR OF FISHERIES
COLACHEL - 620 521

To.
Thiru. Jegan,
S/o. Yesudhasan, St. Thomas Colony,
Thoothur

செய்துள்ளதற்க்கு உடனடி உத்தரவு.





Home Report Analytical Report Search Help Change Password Logoff

HEADLINES: Ple_

User Name : COMMISSIONER OF FISHERIES

Logged on : 20-04-2017

Vessel Search

Registration Certificate Number : IND - - - -

(IND-State Code-Place of Registry-Type of Vessel-Serial No).
(eg:IND- KL-01-MO-123)

License Number : - L /

(State Code-L(Serial Number)/Year)
(eg:KL-L123/10)

Status of Applications Submitted So far

Serial No.	Service	Date of Application	Application Status	Certificate Status	Updated On
1	Vessel Registration	21/03/2016	Approved	Issued	20/04/2016
2	Change Vessel Insurance	09/12/2016	Application submitted		

Basic Vessel Details		Vessel Owner			
File Number:	TN-48658	Name of Owner:	JEGAN S/O.YUSUDHASAN		
District:	KANYAKUMARI	Permanent Address :	16/265, ST.THOMAS COLONY, THOOTHOR.		
Place of Registry:	COLACHEL				
Base of Operation:	THOOTHOR				
Registration Number and Date:	IND-TN-15-MM-5271 & 21/03/2016	Engine Details			
Name of the craft:	EPHRAEEM-1	Make	Year of Make	Engine Number	HP
Vessel type:	Mechanized fishing boat Gill netter	Ashok Leyland		APUE-251629	106
Length/Width/Draft :	18.500/6.200/2.500(in Metre)	Fuel Details			
Hull Material:	FIBER GLASS	Fuel	Tank Type	Capacity	
Present Craft Value(in Rs.):		Diesel	Main		
Water Storage Capacity(in Litre):		Gear Details			
Tonnage Capacity(in Tonne):	66	Gear Name :	GILLNET		
Storage Capacity(in Kg):		Equipment Details			
When Secured:		Equipment	Quantity		
Where Secured:		FIRST AID BOX	1		
How Acquired:		G. P. S	1		
		Echo Sounder	1		
		WIRELESS			
		VERY HIGH FREQUENCY - VHF			
Certificate Status					
Registration Certificate Status:	Issued				
Date:	20/04/2016				

[Click here to view Vessel Images](#)

Service brought to you by Department of Animal Husbandry, Dairying & Fisheries , Ministry of Agriculture and Farmers Welfare, Govt. Of India
IT Support by National Informatics Centre



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London
W1J 5PN
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Internet: www.mrag.co.uk

Dr Alejandro Anganuzzi
Ag. Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

1st March 2017

cc. Mr Herminio Tembe, Chair of the Compliance Committee;
Mr Hosea Gonza Mbilinyi, Vice Chair;
Mr Aditya Joshi, Government of India.

Dear Dr Anganuzzi,

T guqnwklqp '33125' Qp' gawcdrlkj lpi 'c' hlv' qh' xguugn' r' t guwo gf 'vq' j' cxg' ect t lgf 'qw' hww' hklj lpi 'lp' 'vj' g' KQVE' Ct gc' qh' Ego r gvgpeg<' kpf k p' Hrci i gf 'Xguugn' Xcc| j xlp' O cppo'

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Vaazhvin Manna. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

These details are provided as notification to IOTC Secretariat and Compliance Committee only. No further action is recommended.

The attached evidence shows:

- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Appendix I and II);
- The Master of the vessel was found guilty of fishing without a licence and possession of illegal gear in BIOT waters and was fined. The fine has been paid in full
- That the BIOT Administration has kept the Indian Authorities fully informed;
- That the Indian Authorities have provided no details of any actions they may have taken.

I would be grateful if you could circulate this material for the information of the Compliance Committee.

Thank you.

Yours sincerely

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, Vaazhvin Manna



IQVE 'Tgr qt vpi 'lqt o 'lqt 'Kngi cilCevkxw

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in The British Indian Ocean Territory

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Vaazhvin Manna
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a
e	Photo	Yes, See Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Antony Benjamin; 110/26/72 Thadeupuram, Vallavila 1, Kanniyakumari, K K District, Tamil Nadu 629160
h	Operator (previous operator/s, if any) and Master/Fishing Master	n/a
i	Date of alleged IUU fishing activities	27/05/2016
j	Position of alleged IUU fishing activities	07° 15.04'S; 71° 30.04'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters and possession of prohibited fishing gear. Approx. 2000kg of assorted reef fish species (red snapper, jobfish, rainbow runner, barracuda) and 1 x large tuna. Reef shark species (black/white tip). No logbook present. No licence present.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Owner found guilty of fishing without a licence and use of illegal gear. No action taken by Flag state.
m	Outcome of Actions taken	Guilty of offences/ Fine paid in full.

D0F gvc ku'qh IQVE 'T guq nwkqp 'Ggo gpw'E qpv t cxgpgf '''

(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings and photographs)

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III - Record of Proceedings.

Appendix IV – Report on Record of Proceedings to flag State (India).

Appendix V – Request for Further Information on Ephraem 1 from flag State (India).

Appendix VI – Report of payment of fine and release of vessel to flag State (India).

D. Recommended Actions

Recommended Actions	Indicate
a Notification to IOTC Secretariat only. No further action is recommended.	<input checked="" type="checkbox"/>
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input type="checkbox"/>

Appendix I – Photographs.



Figure 1 Vessel whole, identification and unmarked gear.



Figure 2 Some fish caught in the hold including red snapper and jobfish



Figure 3 Some fish caught in the hold including reef shark species (black/white tip)



Figure 4 Some fish caught in the hold including barracuda and tuna.

Appendix II – Inspection Report

INSPECTION REPORT – RG004

1 Summary

Date of boarding	27/05/2016
Patrol type and number	BIOT 515
Vessel name	Vaazhvin Madda
Vessel type	GN
Vessel flag and home port	India, Colochel
Vessel identification number	IND-TN-15-MM-4669
Vessel identification type	Registration number
IOTC# (if registered)	Null
Vessel Master name	Antony B
SFPO	R Gater
FPO / FPOs	W J Hemajith De Silva
Outcome of boarding	Detained and brought to Diego Garcia

2 Initial sighting details (from Marlin only)

Date and time of first sighting	26/05/16 21:45	(DD/MM/YY HH:MM)		
Sighted by	OOW	Radar	Visual	x
Position of target 1	07 15 4S 071 30 4E			
Course	Var			
Speed	Var			
Range	8.5nm			
Bearing	340			

Comments:

At 2144 bright working deck lights are seen on Pitt Bank, at a range of 8.5nm range. Visual identification was made of two lights, suggesting a second vessel. The BPV continued its westerly course.

2200 Radar target now with variable course and speed of 0.8kt. Position of target is on the south eastern edge of Pitt Bank at 07° 15.4S 071°30.4E. BPV alters course to port to maintain distance and prevent them being alerted to our presence. The intention was to shadow the two targets during the night as per safety SOPs and due to the potential danger to the BPV of fouling by deployed fishing gear. Targets now approximately 0.5nm apart with variable speeds of 0-4kts moving generally NW. This is behaviour indicative of fishing activity.

27/05/2016

0240 Three more radar targets are detected, very close together and located approximately 6nm north of the original two targets, but still on the eastern Pitt Bank. Their behaviour is similar to the first two targets, with variable course and speed indicative of fishing activity. Bright working deck lights are visible.

0635 BPV alters course to intercept the 4 radar targets closest.

0705 At a range of 4nm, all five target vessels increase speed and alter course to run west, and away from the BPV. Targets now steaming at 7kts; The BPV increases to a speed of 9knts
0805 Positive visual identification of the closest four targets as Indian gillnet fishing vessels, now heading NW at speeds varying between 6.5-7kts.

Five vessel targets detected during the night, so all five have same details recorded for first sighting date, time and position for the purposes of this report as their individual identities was unknown at this stage.

Fisheries Pennant and Sierra Quebec Three Raised	27/05/16 06:50	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding.	27/05/16 06:50	(DD/MM/YY HH:MM)
Response to request for boarding	No response	

3 Launching of workboat

Time workboat launched	27/05/16 09:12	(DD/MM/YY HH:MM)
Workboat crew	Boson Bhoy & FPO Jomil	
<i>Comments on the approach to the FV:</i> The vessel was ordered to slow down verbally and by hand gestures.		
Photographic Evidence Collected (See Annex 1).	Port	
	Starboard	
	Stern	
	Fishing gear	
	Other	

4 Boarding details

Date and time vessel boarded	27/05/16 11:40	(DD/MM/YY HH:MM)
Position vessel boarded	07 03.45S 071 16.59E	
Boarding party team	R Gater / W J Hemajith De Silva	
Language spoken	Tamil dialect	
Interpreter needed (Y/N)?	Y	Name W J Hemajith De Silva

4.1 Crew details

Vessel Master name	Antony B	
Vessel Master nationality	IND	
Vessel Master address	110/26/72 Thatheypuram, Kannikumari, K K District, Tamil Nadu, 629160	
Vessel Master D.o.B	19/05/89	(DD/MM/YY)
Number of crew	9	
Vessel crew nationality	IND	
Are any crew under 18 (Y/N), if 'Y' provide details below.	No	
Do any crew have health issues (Y/N), if 'Y' provide details below.	No	
Observations Captain and crew presented various types of identification (Fishermens ID, Driving licence, Electoral cards). Identification was not provided by all crew, and it was not possible to determine if the identification documents related to the crew present. Neither was it possible to determine if the individual who presented himself as the captain was indeed the captain of the vessel.		
Photographic Evidence Collected (See Annex 1).	Captain ID	
	Other crew id	

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	N	
Fishing licence date of issue, expiry and issuing authority	Null (DD/MM/YY)	
FV owner name (as per licence)	Null	
FV owner details (as per licence)	Null	
Fishing logbook present (y/n) and number if relevant	Null	
Issuing authority	Null	
Date of last entry	Null	Null
Position of last entry	Null	
Other paperwork: Registration document		
Photographic Evidence Collected (See Annex 1).	Licence	
	Logbook	
	Other	

4.3 Interview with Captain

Time of interview	11:40	(HH:MM)
Captain's rights read and understood?	Yes	
FV Port of departure	India (port not ascertained)	
Date of departure	Not ascertained	(DD/MM/YY)
Travelling to or from fishing grounds?	Neither	
Amount of fish onboard (t)	2000kg approx	
If fish onboard where caught?	Pitt Bank	
If fish onboard when caught?	Last 2 days	
If fish onboard how caught?	Hand lines	
Destination	India	
Port of return	India (port not ascertained)	
Anticipated date of return	Not ascertained	(DD/MM/YY)
Comments: Language difficulties as no English and Tamil not the interpreters 1 st language		

4.4 Vessel inspection

Fishing gear type	Gillnet and Hand lines		
Comments Baited hand lines located on decks			
Catch onboard (estimated t)	2000kg		
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	N
Description of catch: Assorted reef fish species (red snapper, jobfish, rainbow runner, barracuda) and 1 x large tuna. Reef shark species (black/white tip)			
Comments			
Photographic Evidence Collected (See Annex 1).	Gear		
	Catch		

	Hold	
--	------	--

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X
Fishing with prohibited fishing gear	
Possession of prohibited fishing gear	X
Obstruction of a fisheries patrol officer	
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
Comments	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	
Fishing gear not marked with name or callsign	X
No VMS (if relevant i.e., >15m)	X
VMS not tamperproof (if relevant i.e., >15m)	X
No state issued logbook (if relevant i.e., >24m)	
No state issued licence	X
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	X
Comments	

6 SFPO actions²

Vessel and Master detained and escorted to DG	X
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed (Res: 11/03)	
Master given verbal warning and released	
No further action, vessel released	
Comments (when detained / escorted):	
<p>12:05 Informed that I was detaining his vessel for illegal fishing within BIOT waters without a licence contrary to Section 7(i) of Ordinance 5 2007 (BIOT Fisheries Law), and for possession of prohibited gear (wire traces) contrary to Section 6 of Ordinance 5 2007.</p> <p>The captain was ordered to follow the BPV back to Diego Garcia for further investigation.</p>	

¹ Mark with an 'X'

7 Disembarkation and recovery

Time FV disembarked	12:10	(HH:MM)
Time Workboat recovered to the BPV	13:10	(HH:MM)
Comments: This vessel was re-boarded on 28/05/2016 10:10. SFPO remained aboard until 19:20 ensuring vessel continued SE.		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	Null
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	N	Inspection report ID	
Cre previously boarded (Y/N)	N	Inspection report ID	
Comments:			

Robert Gater
BIOT Senior Fisheries Protection Officer
02/06/2016

Appendix III - Record of Proceedings.



Mr Ryan Bilton
Clerk of the Magistrates' Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: Ryan.Bilton.UK@fe.navy.mil

RECORD OF PROCEEDINGS

Name: **Antony S/O Benjamine**

On the 3rd day of June 2016, before the British Indian Ocean Territory (BIOT) Magistrates' Court, **Antony S/O Benjamine** admitted having committed the following criminal offences:

CHARGE ONE

That you, Antony S/O Benjamine, being the Master of Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) did, between the 20th day of May 2016 and the 27th day of May 2016, fish within the waters of the British Indian Ocean Territory without a licence.

Contrary to Section 7(1) and Section 7(2)(i) the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE ONE

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) of which you are the Master was intercepted by the British Patrol Vessel the Pacific Marlin in the vicinity of Pitt Bank within the Marine Protected Area (MPA) of the British Indian Ocean Territory having been engaged in fishing activity there without having a licence issued by the Administration of the British Indian Ocean Territory to do the same.

CHARGE TWO

That you, Antony S/O Benjamine, being the Master of Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) on which there was found within the fishing waters of the British Indian Ocean Territory on the 26th day of May 2016 prohibited fishing gear, namely wire trace line.

Contrary to 6(1)(b) and 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE TWO

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) of which you are the Master was found an amount of fishing gear which is not legal to possess in the British Indian Ocean Territory, namely wire trace line.

SENTENCE PASSED BY THE MAGISTRATES' COURT

On the 10th day of June 2016, the following sentence was passed by the Magistrates' Court of the British Indian Ocean Territory.

In respect of the charge of fishing without a licence within the waters of the British Indian Ocean Territory **Antony S/O Benjamin** was ordered to pay a fine of 3166.66 GBP.

In respect of the charge of being in possession of illegal fishing gear, namely wire trace lines within the waters of the British Indian Ocean Territory **Antony S/O Benjamin** was ordered to pay a fine of 133.34 GBP.

The Magistrate reduced the totality of the fines to 3,300 GBP to take into account the early pleas and co-operation.

Antony S/O Benjamin was also ordered to pay court costs of 100 GBP.

It was also ordered that all fishing equipment shall be seized and destroyed.

Payment was ordered to be made within 7 days or the deposit of a legal security for payment in full, for the total financial penalty. In the meantime, the vessel Vaazhvin Manna will remain in Diego Garcia pursuant to the provisions of section 20 of the Fisheries (Conservation and Management) Ordinance 2007.

If payment is not made within 7 days **Antony S/O Benjamin** may appear back before the court and the Magistrate will reassess the position.

If payment is not made within 30 days, the vessel may be forfeited and destroyed.

The banking details required for the electronic payment of the fine are as follows:

Bank Name:	Royal Bank of Scotland
Sort Code:	16-00-38
Account Number:	00717735
Account Name:	BIOT Revenue Account
BIC/SWIFT:	RBOSGB2L
IBAN:	GB43RBOS16003800717735

Written advice of credit to be sent by Royal Bank of Scotland to:

The Royal Bank of Scotland PLC, London Drummonds Branch, 49 Charing Cross, London, SW1A 2DX.

Given under my hand and the seal of this court.

Mr Ryan Bilton
Clerk of the Magistrates' Court
British Indian Ocean Territory

Appendix IV – Report on Record of Proceedings to flag State (India).



18 Queen Street
London
W1J 5PN
United Kingdom

Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

Dr. S Vijayakumar I.A.S by email: (ahsec@tn.gov.in)
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600-009

17 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandev@yahoo.co.in)

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessel Vaazhvin Manna in British Indian Ocean Territory (BIOT) Waters

The Indian flagged vessel FV Vaazhvin Manna (IND-TN-15-MM-4669) was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The Master of the vessel, Antony S/O Benjamine entered guilty pleas to the following offences: (see attached Court Proceedings):

- Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.
- Possession of Prohibited fishing gear contrary to Section 6 (2) of the Fisheries (Conservation and Management) Ordinance 2007.

On 10th June 2016 the vessel Master was fined £3,166.66 for illegal fishing and £133.34 for possession of illegal gear (plus £100 costs). All fishing gear was ordered to be confiscated and destroyed. The Owner of the vessel has 90 days to pay the fines. The Magistrate has reduced the costs by 1/3 for both fines (not including court costs) for the co-operation and early plea thus making the total amount payable £3300. If payment is not made within 7 days Antony S/O Benjamine may appear back before the court and the Magistrate will reassess the position. If payment is not made within 30 days, the vessel may be forfeited and destroyed.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC
ENCL: Record of Court Proceedings

Appendix VI – Report of payment of fine and release of vessel to flag State (India).



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Internet: www.mrag.co.uk

Dr. S Vijayakumar I.A.S by email: (ahsec@tn.gov.in)
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600-009

20 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian ([paul.pandian <pl_pndn@yahoo.com>](mailto:paul.pandian@pl_pndn@yahoo.com))
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessel Vaazhvin Manna in British Indian Ocean Territory (BIOT) Waters

As previously notified to you on (17 June 2016) the master of the Indian flagged vessel FV Vaazhvin Manna (IND-TN-15-MM-4669) was issued a fine of £3300 for fishing illegally and for possession of illegal fishing gear in the BIOT MPA.

The BIOT Administration can confirm that the fine has been paid. The FV Vaazhvin Manna was released at 16:00 (local) on 18/06/2016. The Vaazhvin Manna estimated it would take up to 10-12 days to return to its home port.

The BIOT Administration would be grateful if you could provide within 30 days of this letter (i.e. 20 July 2016) details of the actions taken in respect of the vessel, owner or master after the vessel has returned to port, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). Please could you indicate if additional time is needed to provide this information?

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or John Pearce (j.pearce@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Appendix V – Request for Further Information on Ephraem 1 from flag State (India).



18 Queen Street
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E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

Dr. S Vijayakumar I.A.S by email: (ahsec@tn.gov.in)
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600-009

20 July 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjav_rpandev@yahoo.co.in)

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessel Vaazhvin Manna in British Indian Ocean Territory (BIOT) Waters

Following up on our letter dated 20th June 2016, the BIOT Administration would be grateful if you could provide an update on any actions taken by your authorities against the above named vessel, its owner and Master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). The original letter requested this information within 30 days, we assume that you need the additional time?

We note, through our British High Commission in Delhi, that there has been a general offer of assistance from the Indian Coastguard to pass on any data about Indian vessels heading towards BIOT, however we are looking for information on actions specifically against the Vaazhvin Manna.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

ACTION TAKEN REPORT ON THE MECHANIZED FISHING BOAT REPORTED ILLEGAL
FISHING IN BIOT

NAME OF THE BOAT : VAAZHVIN MANNA

OWNER DETAILS : ANTONY
S/O. BENJAMIN
110/26/72, THADEUPURAM,
VALLAVILAI,
KANYAKUMARI DISTRICT,
TAMIL NADU.

REGISTRATION NO : IND-TN-15-MM-4669

ENGINE DETAILS : Ashok Leyland
KWE-186025
106

MEASUREMENT OF HULL (IN METRE) : Length: 18.050 (in Metre)
Width: 5.800 (in Metre)
Height: 3.000 (in Metre)

DATE OF OCCURRENCE IN DIEGO GARCIA : 27.05.2016

DATE OF RETURN TO TAMIL NADU

DATE OF CHARGE SHEET FRAMED BY : 10.06.2016
ADF, COLACHEL UNDER TNMFR ACT. 1983

FINE IMPOSED BY ADJUDICATING : Rs. 15,000/- date: 09.09.2016
OFFICER/ DEPUTY DIRECTGOR OF
FISHERIES, KANYAKUMARI

DATE OF FINE PAYMENT AND DATE OF : Fine Paid on 26.06.2016 and
REMITTANCE IN GOVT. ACCOUNT remitted in Govt. account on
27.09.2016

DATE OF IMPOUNDMENT 10.06.2016

DURATION OF IMPOUNDMENT Boat impounded up to 26.09.2016

Adjudication Order of the Adjudicating Officer under Tamil Nadu Marine Fishing Regulation Act, 1983 / Deputy Director of Fisheries (Regional) Kanyakumari (A/c) @ Nagercoil.

Present : Thiru. C. Rubert Jothi, B.F.Sc.,

Rc.No. 1929/B/2016-2

Dated 09.09.2016

Authorized officer/
Assistant Director of Fisheries, Colachel.

- Petitioner

Vs

Thiru. Antony,
S/o. Benjamin,
Thatheupuram,
Vallavilai.

Respondent.

The Authorised Officer/ Assistant Director of Fisheries, Colachel who is authorized under section-4 of Tamilnadu Marine Fishing Regulation Act 1983, filed a charge sheet on 11.06.2016 under section-5 of Tamil Nadu Marine Fishing Regulation Act, 1983 and subsection X and XII of section 6 of Tamil Nadu Marine fishing Regulation Rules 1983 against the owner of mechanized fishing boat bearing registration number IND_TN-MM-4669, registered in the office of the Authorized officer/ Assistant Director of Fisheries, Colachel for crossing the Indian International Boundary line for fishing on 27.05.2016.

Based on the charge sheet, the Adjudicating Officer issued summon dated 30.08.2016 to the respondent to be present personally before Adjudicating Officer on 9th September 2016 at 11.00 am at the Office of the Adjudicating officer for the hearing on the charge sheet filed against the respondent.

Based on the above summon order both the respondent and petitioner argued before me and presented the cases on 09.092016.

Based on the arguments and documents presented by the petitioner and respondent, it is proved that the Mechanized Fishing Boat (Regn. No. IND_TN-MM-4669 violated the provisions of Tamilnadu Marine Fishing Regulation Act and Rules by fishing beyond the Indian International Boundary.

It committed a punishable offence under Tamil Nadu Marine Fishing Regulation Act 1983. Hence for the violation of section 5 of Tamil Nadu Marine

Fishing Regulation Act 1983 and sub section 6(X) and 6(XII) of Tamil Nadu Marine Fishing Regulation Rules 1983 as provided under section 17 and 18 (1) of Tamil Marine Fishing Regulation Act, 1983 it is hereby ordered imposing fine of Rs.15, 000/ (Rupees fifteen thousand only)-.

The above fine amount shall be paid within 10 days from the date of this order in the Office of the Deputy Director of Fisheries (Regional), Kanniyakumari at Nagercoil. Failing which action will be initiated under section 21 of Tamil Nadu Marine Fishing Regulation Act 1983.

If there is any appeal against the above adjudication, the respondent shall prefer an appeal under section 19 (1) of Tamil Nadu Fishing Regulation Act 1893 to the Appellate Authority/ Commissioner of Fisheries, Teynampet, Chennai 600 006 within 30 days from the date of this order.

Affixed my signature with
office Seal on 9th day of
September 2016

Sd/- xxxxxxxxxxxxxx
Adjudication Officer/
Deputy Director of Fisheries (Regional),
Kanyakumari

To,
Thiru. Antony,
S/o. Benjamin,
Thatheupuram,
Vallavilai.

Copy to:

Assistant Director of Fisheries, Colachel

- Entry has to be made in the register maintained for this purpose and follow the instructions of the Commissioner of Fisheries.

Copy Submitted to the Appellate Authority/ Commissioner of Fisheries, Chennai 6
Copy: "A" section

PROCEEDINGS OF THE AUTHORISED OFFICER, KANYAKUMARI (WEST)/ ASSISTANT
DIRECTOR OF FISHERIES, COLACHEL.

PRESENT: J. NABIRAJ

CASE NO.3

DATE:10.06.2016

R.C.NO.332/B/2016

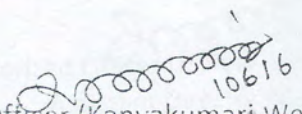
ORDER

The Authorized Officer, Kanyakumari (West) has the reason to believe that the Mechanized fishing boat bearing registration No.IND-TN-15-MM-4669 owned by Thiru. Antony S/o Benjamin residing at Thatheupuram, Vallavila conducted fishing/used the fishing vessel on in contravention of the Tamilnadu Marine Fishing Regulation Act-1983 U/s. schedule sec 11 and Tamilnadu Marine Fisheries Regulation Rules – 1983 U/s6 (Xii)

He is liable for punishment and hence the case is submitted before the Adjudicating Officer/Deputy Director of Fisheries, (Regional) Kanyakumari for adjudication. Pending final orders from the Adjudicating Officer, the following orders are issued in exercise of the powers vested to me U/s15 of Tamilnadu Marine Fishing Regulation Act 1983 and U/s 9(1) Tamilnadu Marine Fishing Regulation Rules 1983.

1. The Fishing license granted to the above mentioned mechanized fishing boat is suspended till the adjudication is over.
2. The owner of the above mentioned fishing boat is hereby directed to keep and protect his fishing boat in Colachel and should not venture into sea for fishing till the adjudication by the adjudication officer.

The above orders are issued on 10-6-16 under my signature and seal.


Authorized Officer (Kanyakumari West)
Assistant Director of Fisheries,
Colachel.

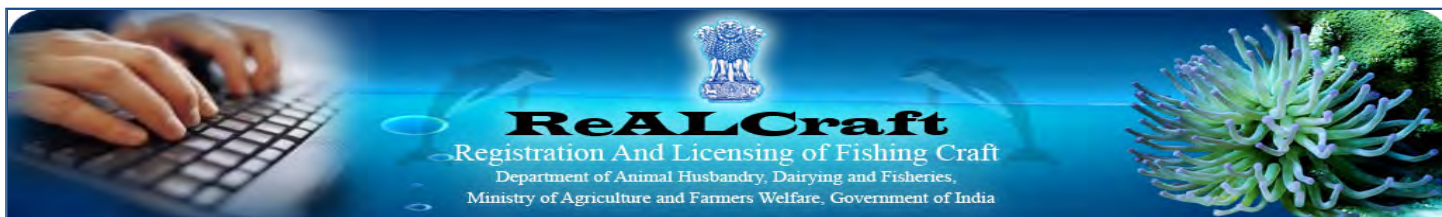
ASSISTANT DIRECTOR OF FISHERIES
COLACHEL - 620 521

To.
Thiru. Antony
S/o. Benjamin,
Thatheupuram,
Vallavilai

பெற்றியுக்கொண்டேலன்.

சி.என்.சி.என். (ச.என்.சி.என்)

Angiswamy



[Home](#) [Report](#) [Analytical Report](#) [Search](#) [Help](#) [Change Password](#) [Logoff](#)

HEADLINES: [Please reset the-](#)

User Name : COMMISSIONER OF FISHERIES

Logged on : 20-04-2017

Vessel Search

Registration Certificate Number : IND - - - -


(IND-State Code-Place of Registry-Type of Vessel-Serial No).
(eg:IND- KL-01-MO-123)

License Number : - L /

(State Code-L(Serial Number)/Year)
(eg:KL-L123/10)

Status of Applications Submitted So far

Serial No.	Service	Date of Application	Application Status	Certificate Status	Status Updated On
1	Vessel Registration	26/03/2015	Approved	Issued	31/03/2015

Basic Vessel Details		Vessel Owner			
File Number:	TN-46643	Name of Owner:	ANTONY S/O. BENJAMIN		
District:	KANYAKUMARI	Permanent Address :	110/26/72, THADEUPURAM, VALLAVILAI.		
Place of Registry:	COLACHEL	Mobile :	8807896574		
Base of Operation:	VALLAVILAI				
Registration Number and Date:	IND-TN-15-MM-4669 & 27/03/2015				
Name of the craft:	VAAZHVIN MANNA	Engine Details			
Vessel type:	Mechanized fishing boat Gill netter	Make	Year of Make	Engine Number	HP
Length/Width/Draft :	18.050/5.800/3.000 (in Metre)	Ashok Leyland	2015	KWE-186025	106
Hull Material:	FIBER GLASS	Fuel Details			
Present Craft Value(in Rs.):		Fuel	Tank Type	Capacity	
Water Storage Capacity(in Litre):		Diesel	Main		
Tonnage Capacity(in Tonne):	72	Gear Details			
Storage Capacity(in Kg):		Gear Name :	GILLNET		
When Secured:		Equipment Details			
Where Secured:		Equipment			Quantity
How Acquired:		FIRST AID BOX			1
		LIFE JACKETS			5
		G. P. S			1
		WIRELESS			
		VERY HIGH FREQUENCY - VHF			
		Echo Sounder			1
		Vessel Insurance			
		Company Name	Insurance No.	Period From	Period To
		UNITED INDIA INSURANCE	111690474	25/03/2015	24/03/2016

[Click here to view Vessel Images](#)



28 February 2018

IOTC Reference: 6877

Dr B. Kishore
Joint Secretary (Fisheries)
Department of Animal Husbandry,
Dairying and Fisheries
Government of India

Email: jsfy@nic.in

Dear Mr Kishore,

NOTIFICATION OF INDIAN FISHING VESSELS SUSPECTED OF HAVING FISHED ILLEGALLY IN THE WATERS OF THE UNITED KINGDOM (OVERSEAS TERRITORY)

Please find attached two documents that have been submitted to me, for notification to the Government of India.

I trust that the Government of India, through your office, will provide its fullest cooperation to the United Kingdom (Overseas Territory), and to also provide evidence of the actions it has taken against the owner, operator and/or master of the two vessels, so that the Compliance Committee is able to consider the appropriate course of actions in respect of flag State responsibilities to the IOTC.

Please also note that the information provided by the United Kingdom (Overseas Territory) and the Government of India will be made available to the 15th Meeting of the IOTC Compliance Committee, to be held in mid-May.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. O'Brien'.

Christopher O'Brien
Executive Secretary

Attachments:

- Document from the United Kingdom (Overseas Territory)

cc: Dr C. C. Mees – Head of Delegation of the UK (OT)
Mr H Mbilinyi – Chair of the IOTC Compliance Committee



Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

23 February 2018

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Aditya Joshi and Dr Paul Pandian, Government of India.

Dear Dr O'Brien,

Resolution 17/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Al-Ameen

As required in paragraphs 5 and 6 of Resolution 17/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Indian flagged vessel Al-Ameen. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

- That the vessel was equipped with gill nets and longlines;
- The vessel had tuna and tuna like species on board;
- The Master of the vessel was guilty of fishing within the waters of the British Indian Ocean Territory without a license;
- The Master of the vessel was fined for this offence. The fine was paid in full on 23 March 2017
- That the BIOT Administration has kept the Indian Authorities fully informed;
- That the Indian Authorities have provided no details of vessel ownership and at the time of writing have provided no indication of any flag State actions they may have taken.

Whilst the case relating to this vessel and its master has been settled in respect of the BIOT Administration, in light of the above facts we have indicated: '(b) Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'. This is in order that the flag State has the opportunity to submit evidence of the actions it has taken so that the Compliance Committee is able to consider the appropriate course of action in respect of flag State responsibilities to IOTC with respect to this vessel under Resolution 17/03.

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee.

Thank you.

Yours sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, Al-Ameen

IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 17/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in British Indian Ocean Territory.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Al Ameen
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IND-KL-04-2199
e	Photo	Yes, See Appendix 1
f	Call Sign (previous call sign, if any)	Null
g	Owner (previous owner/s, if any)	KS Hussain S/O Syed Muhammed H and Judy Albert A (Co-owners)
h	Operator (previous operator/s, if any) and Master/Fishing Master	Judy Albert A
i	Date of alleged IUU fishing activities	28/02/2017
j	Position of alleged IUU fishing activities	04°57.0' S 072°14.5' E
k	Summary of alleged IUU activities (see section B for more detail)	Operating without a licence in BIOT waters. Vessel and gear without marks showing name or call-sign. No VMS system present on board. Master unable to provide state issued logbook on request. Vessel absent from IOTC authorised list and Record Active Tuna/Swordfish list. 50kg of fish present on deck between stowage. Estimated weight of fish on board Al Ameen was 9160kg, including tuna, sharks, snapper and grouper.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached and photographed, and then boarded.
m	Outcome of Actions taken	Vessel and Master detained and escorted to DG.

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a	Engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input checked="" type="checkbox"/>
b	Engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	Failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input type="checkbox"/>
d	Taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	Engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	Used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	Transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	Engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	Engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	Engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input type="checkbox"/>
k	Engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input type="checkbox"/>

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings and photographs)

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

Appendix IV - Record of Proceedings

Appendix V – Certificate of Conviction

Appendix VI – Request for notification of flag State actions

D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input type="checkbox"/>

Appendix I – Photographs.

Figure 1: Starboard View



Figure 2: Bow View



Figure 3: Stern View



Figure 4: Port View



Figure 5: Unmarked fishing gear



Figure 6: Fish in hold



Appendix II – Inspection Report

INSPECTION REPORT – JGC009

1 Summary

Date of boarding	28/02/2017
Patrol type and number	FIPA005
Vessel name	Al Ameen
Vessel type	MPV
Vessel flag and home port	India
Vessel identification number	IND-KL-04-2199
Vessel identification type	MPV
IOTC# (if registered)	Null
Vessel Master name	Judy Albert A
SFPO	John Caddle
BPV crew	Alexander Hawken
Outcome of boarding	Detained

2 Initial sighting details (from Marlin only)

Date and time of first sighting	28/02/2017 1125			
Sighted by	Master GF Killian Hickey	Radar	Visual	x
Position of target 1	04 57.0 S 072 14.5 E			
Course	310			
Speed	4.7			
Range	300 T approx (332 on Radar)			
Bearing	8.7 nm			
Comments: SFPO called and attended bridge				
Fisheries Pennant and Sierra Quebec Three Raised	28/08/2017 1322			
Target requested to stop and prepare for boarding.	28/02/2017 0833 on VHF Channel 16 at 1230 & 1252 by SFPO Vessel also called on MF 2182 at 1304 by Master of GF			
Response to request for boarding	Nil response on all three occasions			

3 Launching of workboat

Time workboat launched	28/02/2017 1329
Workboat crew	Jack Munro (Coxswain) Ryszard Welyczko (Boatman)
<p>The vessels were first spotted on the edge of Speakers Bank and after discussion between the SFPO and the Master of the Grampian Frontier (GF) it was decided to go and check the targets. On heading in the direction of the, at first thought, one target the radar indicated they had increased speed initially to between 6.2-6.5 knots. The speed increased to approximately 8.4 knots. On closing the weather closed in and we continued to close on the targets northerly course. The target was picked up again and on gaining ground it was visually confirmed there was indeed two vessels. After discussion again between the master of the GF and the SFPO</p>	

it was decided to close the targets in the Daughter Craft (DC) as there was no response on radio after three attempts. At 1329 the DC was launched as the targets were approximately 4 miles from GF. On gaining ground and at about 1.5 miles out it was visual that the Al Ameen, later identified by closer inspection, was towing the Mermaid by means of a towing rope. As the DC gained ground and from about two hundred meters out visual instructions were given to the towing vessel (Al Ameen) to stop and be prepared to be boarded. SFPO indicated that he would photograph the vessels and await the approach of the GF due to the large amount of crew on each vessel. The photography was complete and firstly the Al Ameen was boarded firstly followed by the Mermaid. Documentation checks were done and the master of the Al Ameen indicated he was the Master and Co-Owner of both vessels. After documentary checks the vessel was checked and photographed. On deck there were baited hooks and fresh cut bait on the hold cover. After photography and ID clarification the upper deck was checked and the baited hooks and bait were photographed. On completion the hold was checked and there was approximately 5-7 tons of reef fish mainly Snapper in the holds on ice. The Master was told that the Mermaid would be checked and any discussion would take place after a document and vessel check of the Mermaid. The Master informed the SFPO that he would accompany him to the Mermaid as he spoke broken English and the crew of the Mermaid did not.

Photographic Evidence Collected (See Annex 1).	Port	X
	Starboard	X
	Stern	X
	Fishing gear	X
	Other	Baited hooks and bait on hold cover photographed and hold.

4 Boarding details

Date and time vessel boarded	28/02/2017 1405	
Position vessel boarded	04 41.53 S 072 20.48 E	
Boarding party team	John Caddle and Alexander Hawkens	
Language spoken	English	
Interpreter needed (Y/N)?	Name	Nil available

4.1 Crew details

Vessel Master name	Judy Albert A	
Vessel Master nationality	Indian	
Vessel Master address	1-2/134B St Catherine Street, Eraviputhenthurai	
Vessel Master D.o.B	16/04/85	
Number of crew	15 (Including Master)	
Vessel crew nationality	Indian	
Are any crew under 18 (Y/N), if 'Y' provide details below.	No	
Do any crew have health issues (Y/N), if 'Y' provide details below.	No	
Observations	Master was very cooperative all the way through the inspection and apologised.	
Photographic Evidence Collected (See Annex 1).	Captain ID	x
	Other crew id	No

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	33762
--	-------

Fishing licence date of issue, expiry and issuing authority	31/03/2017 Kerala Fisheries	
FV owner name (as per licence)	KS Hussain S/O Syed Muhammed H and Judy Albert A (Master stated that he was the Co-Owner of both vessels with Mr Hussain)	
FV owner details (as per licence)	Master and Mr Hussain	
Fishing logbook present (y/n) and number if relevant	Nil present	
Issuing authority	N/A	
Date of last entry	N/A	
Position of last entry	N/A	
Other paperwork:		
Photographic Evidence Collected (See Annex 1).	Licence	X
	Logbook	No
	Other	ID of Co-Owner

4.3 Interview with Captain

Time of interview	1405 (HH:MM)
Captain's rights read and understood?	No spoken to for clarification of Identification and Vessel details
FV Port of departure	Kochi
Date of departure	03/02/2017
Travelling to or from fishing grounds?	N/A
Amount of fish onboard (t)	Estimated 5-7 Ton
If fish onboard where caught?	Yes
If fish onboard when caught?	No confirmed due to language difficulty
If fish onboard how caught?	Hand Line
Destination	Kochi
Port of return	Kochi
Anticipated date of return	No known
Comments:	

4.4 Vessel inspection

Fishing gear type		Hand line and small mesh nets	
Comments; Mater indicated he did not use nets only hand line			
Catch onboard (estimated t)		5-7 Ton	
IOTC species onboard (Y/N)	Yes	Endangered species onboard (Y/N)	No
Description of catch Mainly reef fish Snapper and Grouper			
Comments Fish were precisely stowed within the hold apart from around 50kg of fish on deck between stowages.			
Photographic Evidence Collected (See Annex 1).	Gear	X	
	Catch	X	
	Hold	X	

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X
Fishing with prohibited fishing gear	
Possession of prohibited fishing gear	
Obstruction of a fisheries patrol officer	
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
Comments: During the whole process the Master was very cooperative and apologised repeatedly saying sorry and big trouble and never again in here	

¹ Mark with an 'X'

5.2 IOTC CMM violations

Vessel not marked with name or callsign	X
Fishing gear not marked with name or callsign	X
No VMS (if relevant i.e., >15m)	X
VMS not tamperproof (if relevant i.e., >15m)	N/A
No state issued logbook (if relevant i.e., >24m)	X
No state issued licence	
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	
Comments: No logbook held or seen during inspection	

6 SFPO actions²

Vessel and Master detained and escorted to DG	X
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed (Res: 11/03)	X
Master given verbal warning and released	
No further action, vessel released	
Comments (when detained / escorted)	

7 Disembarkation and recovery

Time FV disembarked	1447	(HH:MM)
Time Workboat recovered to the BPV		(HH:MM)
Comments; Al Ameen boarded and Master was cross decked to Mermaid due to language issues.		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	N/A
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	No	Inspection report ID	N/A
Master previously boarded (Y/N)	NK	Inspection report ID	N/A
Owner previously boarded (Y/N)	NK	Inspection report ID	N/A
Crew previously boarded (Y/N)	NK	Inspection report ID	N/A
Comments: Vessel or Master not held on archive as being boarded before within details held on SFPO databases.			

John Caddle
BIOT Senior Fisheries Protection Officer
28/02/2017

Annex 1: Photograph / Video Log

Stage of Boarding / Inspection	Type of Photograph	Still / Video	Filename(s)
Prior to Boarding	Port	X	
	Starboard	X	
	Stern	X	
	Fishing gear	X	
	Other	X	
Crew identification	ID photographs		
	Captain photos		
	Crew photos		
Vessel Documentation	Licence	X	
	Logbook		
	Other	X	
Vessel Inspection	Gear	X	
	Catch	X	
	Hold	X	

Appendix III – Notification of Investigation and Request for Cooperation



18 Queen Street
London
W1J 5PN
United Kingdom

Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

Mr Aditya Joshi
Joint Secretary (Fy),
Ministry of Agriculture,
Department of Animal Husbandry, Dairying & Fisheries,
Government of India,
New Delhi – 110001
jsfy@nic.in; adityaj0185@gmail.com;

03 March 2017

cc: Mr. Paul Pandian, FDC pl_pndn@yahoo.com ;
Mr. Sanjay Pande, FRIO. sanjay_rpandey@yahoo.co.in;
Mr. I.A. Siddiqui frio4@nic.in ;

Confirmation of ownership Indian flagged vessel AL AMEEN

Dear Mr Joshi,

The Indian flagged vessels AL AMEEN (IND-KL-04-2199) is currently the subject of a criminal investigation into suspected illegal fishing activity. At this stage we request the assistance of the Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, Government of India in confirming the identity and the ownership of the vessel. We kindly request your assistance in forwarding to the appropriate person or office at the Government of Kerala. If you can provide these details to us we will be able to contact them directly in future.

From paperwork retrieved from the vessels, the owners' name and addresses are as follows:

Vessel	Owner Name / Address
AL AMEEN (IND-KL-04-2199)	KS Hussain S/O Syed Muhammed H and Judy Albert A (Master) informed as co-owners of the vessel

We would ask the Government of Kerala to confirm the ownership details for this vessel and the owners contact details so we can contact them with regards to the status of the investigation? We would be grateful for a formal signed response with an official Government letterhead, which can be scanned and sent by email as soon as possible, preferably before 7th March 2017. Thank you for your cooperation.

Yours sincerely

John Pearce
Principal Consultant
On behalf of Dr C.C. Mees
Head of UK-OT Delegation to IOTC

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

In association with
Marine Education and Conservation Trust
Reg. Charity No. 297 193

Appendix IV - Record of Proceedings



Ms India Dalton
Clerk of the Magistrate's Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: India.Dalton.UK@fe.navy.mil

RECORD OF PROCEEDINGS

Name: Mr Judy Albert S/O Albert

On the 10th day of March 2017 Judy Albert S/O Albert admitted having committed the following criminal offences before the British Indian Ocean Territory (BIOT) Magistrate's Court:

CHARGE ONE

That you, Judy Albert S/O Albert, being the Master of Indian Fishing Vessel Al Ameen (IND – KL-04-MM-2199) did, between the the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence.

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE ONE

On Tuesday the 28th February 2017 the Indian Registered Fishing Vessel Al Ameen (IND – KL-04-MM-2199) of which you are the Master was intercepted by the British Indian Ocean Patrol Vessel the Grampian Frontier in the vicinity of Speakers Bank atoll within the Marine Protected Area (MPA) of the British Indian Ocean Territory having been engaged in fishing activity there without having a license issued by the administration of the British Indian Ocean Territory to do the same.

CHARGE TWO

That you, Judy Albert S/O Albert, being the Master and Owner of Indian Fishing Vessel Mermaid (IND- TN-15-MM-5326) did, between the the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence.

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE TWO

On Tuesday the 28th February 2017 the Indian Registered Fishing Vessel Mermaid (IND- TN-15-MM-5326) of which you are the Master and Owner was intercepted by the British

Indian Ocean Patrol Vessel the Grampian Frontier in the vicinity of Speakers Bank atoll within the Marine Protected Area (MPA) of the British Indian Ocean Territory having been engaged in fishing activity there without having a license issued by the administration of the British Indian Ocean Territory to do the same.

CHARGE THREE

That you, Judy Albert S/O Albert, being the Master and Owner of Indian Fishing Vessel Mermaid (IND- TN-15-MM-5326) on which there was found within the fishing waters of the British Indian Ocean Territory on the 28th day of February 2017 prohibited fishing gear, namely wire trace line.

Contrary to 6(1)(b) and 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE THREE

On Tuesday the 28th February 2017 the Indian Registered Fishing Vessel Mermaid (IND-TN-15-MM-5326) of which you are the Master and Owner was found an amount of fishing gear which is not legal to possess in the British Indian Ocean Territory, namely wire trace.

SENTENCE PASSED BY THE MAGISTRATE COURT

On the 10th day of March 2017 the following sentence was passed by the Magistrate Court of the British Indian Ocean Territory:

1. Fine in the sum of 2640 GBP for fishing without a licence on FV Al Ameen. Payment to be made in full within 7 days of the sentence.
2. Fine in the sum of 2640 GBP for fishing without a licence on FV Mermaid. Payment to be made in full within 7 days of the sentence.
3. Fine in the sum of 429 GBP for possession of wire trace line. Payment to be made in full within 7 days of the sentence.
4. Costs in the sum of 200 GBP. Payment to be made in full within 7 days of the sentence.
5. FV Al Ameen & FV Mermaid ordered to be further detained, pursuant to section 20 of the Fisheries (Conservation and Management) Ordinance 2007 pending payment, or provision of security for payment, of the financial penalties.
6. Fishing equipment on board the FV Al Ameen & FV Mermaid ordered to be forfeited and destroyed.

The banking details required for the electronic payment of the fine are as follows:

Bank Name:	Royal Bank of Scotland
Sort Code:	16-00-38
Account Number:	00717735

Account Name: BIOT Revenue Account
BIC/SWIFT: RBOSGB2L
IBAN: GB43RBOS16003800717735

Written advice of credit to be sent by Royal Bank of Scotland to:

The Royal Bank of Scotland PLC, London Drummonds Branch, 49 Charing Cross, London,
SW1A 2DX.

Given under my hand and the seal of this court.


Ms India Dalton
Clerk of the Magistrate's Court
British Indian Ocean Territory



Appendix V – Certificate of Conviction



Ms India Dalton
Clerk of the Magistrate's Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: india.dalton.UK@fe.navy.mil

CERTIFICATE OF CONVICTION

This is to certify that on the 10th day of March 2017 Mr Judy Albert S/O Albert attended the Magistrate's Court in Diego Garcia and on his own admission a guilty plea was entered to the following charges:

Case Number: 08/17

1. It is alleged that you, Judy Albert S/O Albert, being the Master of Indian registered Fishing Vessel Al Ameen IND – KL-04-MM-2199 did, between the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence. Case Number: 08/17

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

Case Number: 10/17

2. It is alleged that you, Judy Albert S/O Albert, being the Master / Owner of Indian registered Fishing Vessel Mermaid IND- TN-15-MM-5326 did, between the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence. Case Number: 10/17

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

3. It is alleged that you, Judy Albert S/O Albert, being the Master / Owner of Indian registered Fishing Vessel Mermaid IND- TN-15-MM-5326 on which there was found within the fishing waters of the British Indian Ocean Territory on the 28th day of February 2017 prohibited fishing gear, namely wire trace line. Case Number: 10/17

Contrary to 6(1)(b) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

SENTENCE

1. Fine in the sum of 2640 GBP for fishing without a licence on FV Al Ameen. Payment to be made in full within 7 days of the sentence.
2. Fine in the sum of 2640 GBP for fishing without a licence on FV Mermaid. Payment to be made in full within 7 days of the sentence.
3. Fine in the sum of 429 GBP for possession of wire trace line. Payment to be made in full within 7 days of the sentence.
4. Costs in the sum of 200 GBP. Payment to be made in full within 7 days of the sentence.
5. FV Al Ameen & FV Mermaid ordered to be further detained, pursuant to section 20 of the Fisheries (Conservation and Management) Ordinance 2007 pending payment, or provision of security for payment, of the financial penalties.
6. Fishing equipment on board the FV Al Ameen & Mermaid ordered to be forfeited and destroyed.

ADDENDUM

On 17th March 2017 Mr Albert s/o Albert attended the Magistrate's Court in Diego Garcia and the sentence was amended as follows:

Full payment of all financial penalties to be made on or before 24th March 2017.

All financial penalties were paid in full on 23rd March 2017.

Certified True Copy

Mr Jimmie Stuart - Acting Clerk of the Court



Appendix VI – Request for notification of flag State actions



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Mr Aditya Joshi
Joint Secretary (Fy),
Ministry of Agriculture,
Department of Animal Husbandry, Dairying & Fisheries,
Government of India,
New Delhi – 110001
jsfy@nic.in: adityaj0185@gmail.com;

06 April 2017

cc: Mr. Paul Pandian, FDC pl_pndn@yahoo.com ;
Mr. Sanjay Pande, FRIO: sanjay_rpandev@yahoo.co.in;
Mr. I.A. Siddiqui frio4@nic.in ;

Report on the investigation of the Indian flagged vessel AL AMEEN (IND-KL-04-MM-2199) in British Indian Ocean Territory (BIOT) Waters

The Indian flagged vessel AL AMEEN (IND-KL-04-MM-2199) was detained on the 28th February 2017 on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The Master and owner of the vessel, Mr Judy Albert S/O Albert admitted to illegal fishing as detailed on the attached Certificate of Conviction. He was sentenced for the following offence:

- Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

On 10th March 2017 Mr Judy Albert S/O Albert was fined £2,640 for the offence (plus £200 costs combined with the costs incurred by the MERMAID). The owner of the vessel was ordered to pay all financial penalties before 24th March 2017.

The vessel and crew were released on 24th March and instructed to return directly to their home port in India. We would kindly request the assistance of the Ministry of Agriculture and the Government of the State of Kerala, and request notification of any actions taken in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by IOTC flag States in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) have included the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- Notification of the owner to comply with any court order that may arise from the BIOT authorities; and,
- Pending further action by the BIOT and Sri Lankan authorities we would request that the vessel is detained in port.

We do not have contact details for the Government of the State of Kerala and would kindly request that these are provided so that the relevant officials can be copied in on any subsequent communications.

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

In association with
Marine Education and Conservation Trust
Reg. Charity No. 297 193



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Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrq.co.uk
Internet: www.mrag.co.uk

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrq.co.uk) or John Pearce (j.pearce@mrq.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC



Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

23 February 2018

cc. Mr Hosea Gonza Mbilyni, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Aditya Joshi and Dr Paul Pandian, Government of India.

Dear Dr O'Brien,

Resolution 17/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Mermaid

As required in paragraphs 5 and 6 of Resolution 17/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Indian flagged vessel Mermaid. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

- That the vessel was equipped with gill nets and longlines;
- The vessel had tuna and tuna like species on board;
- The Master of the vessel was guilty of fishing within the waters of the British Indian Ocean Territory without a license and was guilty of fishing with prohibited fishing gear, wire trace;
- The Master of the vessel was fined for these offences. The fine was paid in Full on 23 March 2017.
- That the BIOT Administration has kept the Indian Authorities fully informed;
- That the Indian Authorities have provided no details of vessel ownership and at the time of writing have provided no indication of any flag State actions they may have taken.

Whilst the case relating to this vessel and its master has been settled in respect of the BIOT Administration, in light of the above facts we have indicated: '(b) Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'. This is in order that the flag State has the opportunity to submit evidence of the actions it has taken so that the Compliance Committee is able to consider the appropriate course of action in respect of flag State responsibilities to IOTC with respect to this vessel under Resolution 17/03.

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee.

Thank you.

Yours sincerely

A handwritten signature in black ink that reads 'C.C. Mees'. The signature is written in a cursive, slightly slanted style.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, Mermaid

IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 17/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in British Indian Ocean Territory.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Mermaid
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IND-TN-MM-5326
e	Photo	Yes, See Appendix 1
f	Call Sign (previous call sign, if any)	Null
g	Owner (previous owner/s, if any)	Judy Albert A & KS Hussain S/O Syed Muhammed (Co-owner)
h	Operator (previous operator/s, if any) and Master/Fishing Master	Judy Albert A
i	Date of alleged IUU fishing activities	28/02/2017
j	Position of alleged IUU fishing activities	04°41.53' S 07°20.48' E
k	Summary of alleged IUU activities (see section B for more detail)	Operating without documentation with BIOT waters. Unable to provide official logbook on request: Inspected fishing gear without call markings. Vessel not on the IOTC authorised fishing vessel list, nor on IOTC Record Active Tuna/Swordfish. Vessel with VMS system. Weight of fish onboard Mermaid was 9200kg, including tuna, reef fish, shark, snapper and grouper.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached and photographed and boarded.
m	Outcome of Actions taken	Following approach the vessel was detained and returned to Diego Garcia

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a	Engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input checked="" type="checkbox"/>
b	Engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	Failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input type="checkbox"/>
d	Taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	Engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	Used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	Transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	Engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	Engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	Engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input type="checkbox"/>
k	Engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input type="checkbox"/>

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings and photographs)

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

Appendix IV - Record of Proceedings

Appendix V – Certificate of Conviction

Appendix VI – Request for notification of flag State actions

D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input type="checkbox"/>

Appendix I – Photographs.

Figure 1: Starboard View



Figure 2: Bow View



Figure 3: Stern View



Figure 4: Port View



Figure 5: Unmarked fishing gear



Figure 6: Fish from hold (showing tuna and tuna-like)



Appendix II – Inspection Report

INSPECTION REPORT – JGC010

1 Summary

Date of boarding	28/02/2017
Patrol type and number	FIPA005
Vessel name	Mermaid
Vessel type	MPV
Vessel flag and home port	India
Vessel identification number	IND-TN-MM-5326
Vessel identification type	MPV
IOTC# (if registered)	Null
Vessel Master name	Judy Albert A
SFPO	John Caddle
BPV crew	Alexander Hawken
Outcome of boarding	Detained

2 Initial sighting details (from Marlin only)

Date and time of first sighting	28/02/2017 1125				
Sighted by	Master GF Killian Hickey	Radar		Visual	x
Position of target 1	04°57.0' S 072°14.5' E				
Course	310				
Speed	4.7				
Range	300 T approx (332 on Radar)				
Bearing	8.7 nm				
Comments: SFPO called and attended bridge					
Fisheries Pennant and Sierra Quebec Three Raised	28/08/2017 1322				
Target requested to stop and prepare for boarding.	28/02/2017 0833 on VHF Channel 16 at 1230 & 1252 by SFPO Vessel also called on MF 2182 at 1304 by Master of GF				
Response to request for boarding	Nil response on all three occasions				

3 Launching of workboat

Time workboat launched	28/02/2017 1329
Workboat crew	Jack Munro (Coxswain) Ryszard Welyczko (Boatman)
<p>The vessels were first spotted on the edge of Speakers Bank and after discussion between the SFPO and the Master of the Grampian Frontier (GF) it was decided to go and check the targets. On heading in the direction of the, at first thought, one target the radar indicated they had increased speed initially to between 6.2-6.5 knots. The speed increased to approximately 8.4 knots. On closing the weather closed in and we continued to close on the targets northerly course. The target was picked up again and on gaining ground it was visually confirmed there was indeed two vessels. After discussion again between the master of the GF and the SFPO it was decided to close the targets in the Daughter Craft (DC) as</p>	

there was no response on radio after three attempts. At 1329 the DC was launched as the targets were approximately 4 miles from GF. On gaining ground and at about 1.5 miles out it was visual that the Al Ameen, later identified by closer inspection, was towing the Mermaid by means of a towing rope. As the DC gained ground and from about two hundred meters out visual instructions were given to the towing vessel (Al Ameen) to stop and be prepared to be boarded. SFPO indicated that he would photograph the vessels and await the approach of the GF due to the large amount of crew on each vessel. The photography was complete and the Al Ameen was boarded firstly followed by the Mermaid. Documentation checks were done and the master of the Al Ameen indicated he was the Master and Co-Owner of both vessels. After documentary checks the vessel was checked and photographed. The Master informed the SFPO that he would accompany him to the Mermaid as he spoke broken English and the crew of the Mermaid did not. The Master of the Al Ameen was cross decked to the Mermaid and checks done he stated again he was the Master of both vessels and the Co-Owner. On deck there were also baited hooks. After photography and ID clarification the upper deck was checked and the baited hooks and bait were photographed. There was also a Kawakawa with four hooks along its spine attached to wire trace this was photographed. On completion the hold was checked and there was also approximately 5-7 tons of reef fish mainly Snapper and Grouper in the holds on ice. At this point I informed the master I had to return to the GF to pick up some paperwork (translation cards in Hindi). I instructed the Master to stay on-board the Mermaid while I did this and he complied. At approximately 1520 we disembarked the Mermaid and returned to the GF to collect the translation cards in Hindi. At 1553 we launched the DC and returned to the Mermaid. At approximately 1558 the SFPO and Alex Hawken boarded the Mermaid. At 1605 the boarding receipts for both vessels were handed to the Master. At 1610 he was cautioned for fishing without a Licence in BIOT Waters and instructed to follow the GF to Diego Garcia where a full investigation would take place into his actions. After confirming he understood we disembarked the vessel and recovered to the GF at 1625.

Photographic Evidence Collected (See Annex 1).	Port	X
	Starboard	X
	Stern	X
	Fishing gear	X
	Other	Baited hooks on deck and Kawakawa hooked to Wire trace.

4 Boarding details

Date and time vessel boarded	28/02/2017 1450	
Position vessel boarded	04 41.52 S 072 22.8 E	
Boarding party team	John Caddle and Alexander Hawkens	
Language spoken	English	
Interpreter needed (Y/N)?	Name	Nil available

4.1 Crew details

Vessel Master name	Judy Albert A		
Vessel Master nationality	Indian		
Vessel Master address	1-2/134B	St	Catherine Street, Eraviputhenthurai
Vessel Master D.o.B	16/04/85		
Number of crew	15 (Including Master)		
Vessel crew nationality	Indian		
Are any crew under 18 (Y/N), if 'Y' provide details below.	No		

Do any crew have health issues (Y/N), if 'Y' provide details below.	No	
Observations Master was very cooperative all the way through the inspection and apologised.		
Photographic Evidence Collected (See Annex 1).	Captain ID	X
	Other crew id	No

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	No licence held being renewed	
Fishing licence date of issue, expiry and issuing authority	N/A	
FV owner name (as per licence)	KS Hussain S/O Syed Muhammed H and Judy Albert A (Master stated that he was the Co-Owner of both vessels with Mr Hussain)	
FV owner details (as per licence)	Master and Mr Hussain	
Fishing logbook present (y/n) and number if relevant	Nil present	
Issuing authority	N/A	
Date of last entry	N/A	
Position of last entry	N/A	
Other paperwork:		
Photographic Evidence Collected (See Annex 1).	Licence	N/A
	Logbook	No
	Other	ID of Co-Owner

4.3 Interview with Captain

Time of interview	1451 (HH:MM)
Captain's rights read and understood?	No spoken to for clarification of Identification and Vessel details
FV Port of departure	Kochi
Date of departure	03/02/2017
Travelling to or from fishing grounds?	N/A
Amount of fish onboard (t)	Estimated 5-7 Ton
If fish onboard where caught?	Yes
If fish onboard when caught?	No confirmed due to language difficulty
If fish onboard how caught?	Hand Line
Destination	Kochi
Port of return	Kochi
Anticipated date of return	No known
Comments:	

4.4 Vessel inspection

Fishing gear type		Hand line	
Comments; Master indicated he did not use nets only hand line			
Catch onboard (estimated t)		5-7 tonnes	
IOTC species onboard (Y/N)	Yes	Endangered species onboard (Y/N)	No
Description of catch Mainly reef fish Snapper and Grouper			
Comments Fish were precisely stowed within the hold..			
Photographic Evidence Collected (See Annex 1).	Gear	X	
	Catch	X	
	Hold	X	

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X
Fishing with prohibited fishing gear	
Possession of prohibited fishing gear	
Obstruction of a fisheries patrol officer	
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
Comments: During the whole process the Master was very cooperative and apologised repeatedly saying sorry and big trouble and never again in here	

¹ Mark with an 'X'

5.2 IOTC CMM violations

Vessel not marked with name or callsign	X
Fishing gear not marked with name or callsign	X
No VMS (if relevant i.e., >15m)	X
VMS not tamperproof (if relevant i.e., >15m)	N/A
No state issued logbook (if relevant i.e., >24m)	X
No state issued licence	
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	
Comments: No logbook held or seen during inspection	

6 SFPO actions²

Vessel and Master detained and escorted to DG	X
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed (Res: 11/03)	X
Master given verbal warning and released	
No further action, vessel released	
Comments (when detained / escorted)	

7 Disembarkation and recovery

Time FV disembarked	15:20 & 16:20	(HH:MM)
Time Workboat recovered to the BPV		(HH:MM)
Comments; Al Ameen boarded and Master was cross decked to Mermaid due to language issues.		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	N/A
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	No	Inspection report ID	N/A
Master previously boarded (Y/N)	NK	Inspection report ID	N/A
Owner previously boarded (Y/N)	NK	Inspection report ID	N/A
Crew previously boarded (Y/N)	NK	Inspection report ID	N/A
Comments: Vessel or Master not held on archive as being boarded before within details held on SFPO databases.			

John Caddle
BIOT Senior Fisheries Protection Officer
28/02/2017

Annex 1: Photograph / Video Log

Stage of Boarding / Inspection	Type of Photograph	Still / Video	Filename(s)
Prior to Boarding	Port	X	
	Starboard	X	
	Stern	X	
	Fishing gear	X	
	Other	X	
Crew identification	ID photographs	X	
	Captain photos		
	Crew photos		
Vessel Documentation	Licence		
	Logbook		
	Other	X	
Vessel Inspection	Gear	X	
	Catch	X	
	Hold	X	

Appendix III – Notification of Investigation and Request for Cooperation



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E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

Dr. S Vijayakumar I.A.S
Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600 009.
E-mail: ahsec@tn.gov.in

03 March 2017

cc. Mr Aditya Joshi jsfy@nic.in; adityaj0185@gmail.com;
Mr. Paul Pandian, FDC pl_pndn@yahoo.com;
Mr. Sanjay Pande, FRIO. sanjay_rpandey@yahoo.co.in;
Mr. I.A. Siddiqui frio4@nic.in;

Confirmation of ownership Indian flagged vessel MERMAID

Dear Dr. S Vijayakumar,

The Indian flagged vessel MERMAID (IND-TN-MM-5326) is currently the subject of a criminal investigation into suspected illegal fishing activity. At this stage we request the assistance of the Animal Husbandry, Dairying and Fisheries Department of the Government of Tamil Nadu in confirming the identity and the ownership of the vessel.

From paperwork retrieved from the vessels, the owners' name and addresses are as follows:

Vessel	Owner Name / Address
MERMAID (IND-TN-MM-5326)	KS Hussain S/O Syed Muhammed H and Judy Albert A (Master) informed as co-owners of the vessel

Please can you confirm the ownership details for this vessel and their contact details so we can contact the owners with regards to the status of the investigation? We would be grateful for a formal signed response with an official Government letterhead, which can be scanned and sent by email as soon as possible, preferably before 7th March 2017. Thank you for your cooperation.

Yours sincerely

John Pearce
Principal Consultant
On behalf of Dr C.C. Mees
Head of UK-OT Delegation to IOTC

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

In association with
Marine Education and Conservation Trust
Reg. Charity No. 297 193

Appendix IV - Record of Proceedings



Ms India Dalton
Clerk of the Magistrate's Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: India.Dalton.UK@fe.navy.mil

RECORD OF PROCEEDINGS

Name: Mr Judy Albert S/O Albert

On the 10th day of March 2017 Judy Albert S/O Albert admitted having committed the following criminal offences before the British Indian Ocean Territory (BIOT) Magistrate's Court:

CHARGE ONE

That you, Judy Albert S/O Albert, being the Master of Indian Fishing Vessel Al Ameen (IND – KL-04-MM-2199) did, between the the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence.

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE ONE

On Tuesday the 28th February 2017 the Indian Registered Fishing Vessel Al Ameen (IND – KL-04-MM-2199) of which you are the Master was intercepted by the British Indian Ocean Patrol Vessel the Grampian Frontier in the vicinity of Speakers Bank atoll within the Marine Protected Area (MPA) of the British Indian Ocean Territory having been engaged in fishing activity there without having a license issued by the administration of the British Indian Ocean Territory to do the same.

CHARGE TWO

That you, Judy Albert S/O Albert, being the Master and Owner of Indian Fishing Vessel Mermaid (IND- TN-15-MM-5326) did, between the the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence.

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE TWO

On Tuesday the 28th February 2017 the Indian Registered Fishing Vessel Mermaid (IND- TN-15-MM-5326) of which you are the Master and Owner was intercepted by the British

Indian Ocean Patrol Vessel the Grampian Frontier in the vicinity of Speakers Bank atoll within the Marine Protected Area (MPA) of the British Indian Ocean Territory having been engaged in fishing activity there without having a license issued by the administration of the British Indian Ocean Territory to do the same.

CHARGE THREE

That you, Judy Albert S/O Albert, being the Master and Owner of Indian Fishing Vessel Mermaid (IND- TN-15-MM-5326) on which there was found within the fishing waters of the British Indian Ocean Territory on the 28th day of February 2017 prohibited fishing gear, namely wire trace line.

Contrary to 6(1)(b) and 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

PARTICULARS OF CHARGE THREE

On Tuesday the 28th February 2017 the Indian Registered Fishing Vessel Mermaid (IND-TN-15-MM-5326) of which you are the Master and Owner was found an amount of fishing gear which is not legal to possess in the British Indian Ocean Territory, namely wire trace.

SENTENCE PASSED BY THE MAGISTRATE COURT

On the 10th day of March 2017 the following sentence was passed by the Magistrate Court of the British Indian Ocean Territory:

1. Fine in the sum of 2640 GBP for fishing without a licence on FV Al Ameen. Payment to be made in full within 7 days of the sentence.
2. Fine in the sum of 2640 GBP for fishing without a licence on FV Mermaid. Payment to be made in full within 7 days of the sentence.
3. Fine in the sum of 429 GBP for possession of wire trace line. Payment to be made in full within 7 days of the sentence.
4. Costs in the sum of 200 GBP. Payment to be made in full within 7 days of the sentence.
5. FV Al Ameen & FV Mermaid ordered to be further detained, pursuant to section 20 of the Fisheries (Conservation and Management) Ordinance 2007 pending payment, or provision of security for payment, of the financial penalties.
6. Fishing equipment on board the FV Al Ameen & FV Mermaid ordered to be forfeited and destroyed.

The banking details required for the electronic payment of the fine are as follows:

Bank Name:	Royal Bank of Scotland
Sort Code:	16-00-38
Account Number:	00717735

Account Name: BIOT Revenue Account
BIC/SWIFT: RBOSGB2L
IBAN: GB43RBOS16003800717735

Written advice of credit to be sent by Royal Bank of Scotland to:

The Royal Bank of Scotland PLC, London Drummonds Branch, 49 Charing Cross, London,
SW1A 2DX.

Given under my hand and the seal of this court.


Ms India Dalton
Clerk of the Magistrate's Court
British Indian Ocean Territory



Appendix V – Certificate of Conviction



Ms India Dalton
Clerk of the Magistrate's Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: india.dalton.UK@fe.navy.mil

CERTIFICATE OF CONVICTION

This is to certify that on the 10th day of March 2017 Mr Judy Albert S/O Albert attended the Magistrate's Court in Diego Garcia and on his own admission a guilty plea was entered to the following charges:

Case Number: 08/17

1. It is alleged that you, Judy Albert S/O Albert, being the Master of Indian registered Fishing Vessel Al Ameen IND – KL-04-MM-2199 did, between the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence. Case Number: 08/17

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

Case Number: 10/17

2. It is alleged that you, Judy Albert S/O Albert, being the Master / Owner of Indian registered Fishing Vessel Mermaid IND- TN-15-MM-5326 did, between the 3rd day February 2017 and the 28th day of February 2017, fish within the fishing waters of the British Indian Ocean Territory without a licence. Case Number: 10/17

Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

3. It is alleged that you, Judy Albert S/O Albert, being the Master / Owner of Indian registered Fishing Vessel Mermaid IND- TN-15-MM-5326 on which there was found within the fishing waters of the British Indian Ocean Territory on the 28th day of February 2017 prohibited fishing gear, namely wire trace line. Case Number: 10/17

Contrary to 6(1)(b) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

SENTENCE

1. Fine in the sum of 2640 GBP for fishing without a licence on FV Al Ameen. Payment to be made in full within 7 days of the sentence.
2. Fine in the sum of 2640 GBP for fishing without a licence on FV Mermaid. Payment to be made in full within 7 days of the sentence.
3. Fine in the sum of 429 GBP for possession of wire trace line. Payment to be made in full within 7 days of the sentence.
4. Costs in the sum of 200 GBP. Payment to be made in full within 7 days of the sentence.
5. FV Al Ameen & FV Mermaid ordered to be further detained, pursuant to section 20 of the Fisheries (Conservation and Management) Ordinance 2007 pending payment, or provision of security for payment, of the financial penalties.
6. Fishing equipment on board the FV Al Ameen & Mermaid ordered to be forfeited and destroyed.

ADDENDUM

On 17th March 2017 Mr Albert s/o Albert attended the Magistrate's Court in Diego Garcia and the sentence was amended as follows:

Full payment of all financial penalties to be made on or before 24th March 2017.

All financial penalties were paid in full on 23rd March 2017.

Certified True Copy

Mr Jimmie Stuart - Acting Clerk of the Court



Appendix VI – Request for notification of flag State actions



18 Queen Street
London
W1J 5PN
United Kingdom

Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

Mr Aditya Joshi
Joint Secretary (Fy),
Ministry of Agriculture,
Department of Animal Husbandry, Dairying & Fisheries,
Government of India,
New Delhi – 110001
jsfy@nic.in; adityaj0185@gmail.com;

06 April 2017

Dr. S Vijayakumar I.A.S
Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600 009.
E-mail: ahsec@tn.gov.in

cc: Mr. Paul Pandian, FDC pl_pndn@yahoo.com ;
Mr. Sanjay Pande, FRIO, sanjay_rpandev@yahoo.co.in;
Mr. I.A. Siddiqui frio4@nic.in ;

Report on the investigation of the Indian flagged vessel MERMAID (IND-TN-MM-5326) in British Indian Ocean Territory (BIOT) Waters

The Indian flagged vessel MERMAID (IND-TN-MM-5326) was detained on the 28th February 2017 on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The Master and owner of the vessel, Mr Judy Albert S/O Albert admitted to illegal fishing as detailed on the attached Certificate of Conviction. He was sentenced for the following offences:

- Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007; and
- Possession of prohibited fishing gear namely wire trace contrary to Sections 6(1)(b) and 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

On 10th March 2017 Mr Judy Albert S/O Albert was fined £2,640 for the first offence and £429 for the second offence (plus £200 costs combined with the costs incurred by the AL AMEEN). The owner of the vessel was ordered to pay all financial penalties before 24th March 2017.

The vessel and crew were released on 24th March and instructed to return directly to their home port in India. We would kindly request the assistance of the Ministry of Agriculture and the Government of the State of Tamil Nadu, and request notification of any actions taken in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by IOTC flag States in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) have included the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- Notification of the owner to comply with any court order that may arise from the BIOT authorities; and,
- Pending further action by the BIOT and Sri Lankan authorities we would request that the vessel is detained in port.

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

In association with
Marine Education and Conservation Trust
Reg. Charity No. 297 193



18 Queen Street
London
W1J 5PN
United Kingdom

Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

In association with
Marine Education and Conservation Trust
Reg. Charity No. 297 193

ACTION TAKEN REPORT ON THE MECHANIZED FISHING BOAT REPORTED ILLEGAL
FISHING IN BIOT

NAME OF THE BOAT	:	MERMAID
OWNER DETAILS	:	JUDY ALBERT S/O ALBERT I-2/134B, ST.CATHERINE STREET, ERAVIPUTHENTHURAI, KANYAKUMARI DISTRICT, TAMIL NADU. 19.000/6.400/3.000
REGISTRATION NO	:	IND-TN-15-MM-5326 & 10/06/2016
ENGINE DETAILS	:	Ashok Leyland WME-369996 122
MEASUREMENT OF HULL (IN METRE)	:	Length: 19.000 (in Metre) Width: 6.400 (in Metre) Height: 3.000 (in Metre)
DATE OF OCCURRENCE IN DIEGO GARCIA	:	1.03.2017
DATE OF RETURN TO TAMIL NADU	:	30.03.2017
DATE OF CHARGE SHEET FRAMED BY ADF, COLACHEL UNDER TNMFR ACT. 1983	:	07.03.2017
FINE IMPOSED BY ADJUDICATING OFFICER/ DEPUTY DIRECTGOR OF FISHERIES, KANYAKUMARI	:	Rs. 1,50,000/- date 07.04.2017
DATE OF FINE PAYMENT AND DATE OF REMITTANCE IN GOVT. ACCOUNT	:	Fine paid on18.04.2017 and remitted in Government account
DATE OF IMPOUNDMENT	:	07.03.2017
DURATION OF IMPOUNDMENT	:	Boat impounded up to 18.04.2017

Adjudication Order of the Adjudicating Officer under Tamil Nadu Marine Fishing Regulation Act, 1983 / Deputy Director of Fisheries (Regional) Kanyakumari @ Nagercoil.

Present : Thiru. V. Lamek Jayakumar, M.F.Sc.,

Rc.No. 711/B/2017

Dated 07.04.2017

Authorized officer/
Assistant Director of Fisheries, Colachel.

- Petitioner

Vs

Thiru. Judy Albert
1-2/134B, Punitha Catherine Street,
Eraviputhenthurai
Kanyakumari District.

Respondent.

The Authorised Officer/ Assistant Director of Fisheries, Colachel who is authorized under section-4 of Tamilnadu Marine Fishing Regulation Act 1983, filed a charge sheet on 07.03.2017 under section-5 of Tamil Nadu Marine Fishing Regulation Act, 1983 and subsection X and XII of section 6 of Tamil Nadu Marine fishing Regulation Rules 1983 against the owner of mechanized fishing boat "MERMAID" (Respondent) bearing registration number IND- TN- 15-MM - 5326 registered in the office of the Assistant Director of Fisheries, Colachel for crossing the Indian International Maritime Boundary line and fishing in British Indian Ocean territory (Diego Garcia) on 01.03.2017.

Based on the charge sheet, the Adjudicating Officer issued summon dated 03.04.2017 to the respondent to be present personally before Adjudicating Officer on 7th April 2017 at 11.00 am at the Office of the Adjudicating officer for the hearing on the charge sheet filed against the respondent.

Based on the summon, both the petitioner and the respondents appeared before me on 07.04.2017 and presented the case.

Based on the arguments and documents presented by the petitioner and respondent, it is proved that the Mechanized Fishing Boat (Regn. No. IND- TN- 15-MM - 5326) MERMAID violated the provisions of Tamilnadu Marine Fishing Regulation Act and Rules by fishing beyond the Indian International Maritime Boundary Line, in British Indian Ocean territory (Diego Garcia) on 01.03.2017 and committed a punishable offence under Tamil Nadu Marine Fishing Regulation Act 1983.

Hence for the violation of section 5 of Tamil Nadu Marine Fishing Regulation Act 1983 and sub section 6(X) and 6(XII) of Tamil Nadu Marine Fishing Regulation Rules 1983 as provided under section 17 and 18 (1) of Tamil Marine Fishing Regulation Act, 1983, the Adjudicating Officer has ordered imposing fine of Rs.1,50,000/-.

The above fine amount shall be paid within 10 days from the date of this order in the Office of the Deputy Director of Fisheries (Regional), Kanniyakumari at Nagercoil. Failing which action will be initiated under section 21 of Tamil Nadu Marine Fishing Regulation Act 1983.

If there is any appeal against the above adjudication, the respondent shall prefer an appeal under section 19 (1) of Tamil Nadu Fishing Regulation Act 1983 to the Appellate Authority/ Commissioner of Fisheries, Teynampet, Chennai 600 006 within 30 days.

Affixed my signature with
office Seal on 7th day of
April 2017

Sd/- xxxxxxxxxxxxxxx
Adjudication Officer/
Deputy Director of Fisheries (Regional),
Kanyakumari

To,
Thiru. Judy Albert
1-2/134B, Punitha Catherine Street,
Eraviputhenthurai
Kanyakumari District.

Copy to:
The Assistant Director of Fisheries, Colachel

Copy Submitted to the Appellate Authority/ Commissioner of Fisheries, Chennai 6
Copy: "A" section

BY RPAD :-

**PROCEEDINGS OF THE AUTHORISED OFFICER, KANYAKUMARI (WEST)/ ASSISTANT DIRECTOR
OF FISHERIES, COLACHEL.**

PRESENT: J. NABIRAJ

CASE NO. 1/17

DATE: 07.03.2017

R.C.NO. 1618/B/2016

132/

ORDER

The Authorized Officer, Kanyakumari (West) has the reason to believe that the Mechanized fishing boat bearing registration No. IND-TN-15-MM-5326 (Mermaid) owned by Thiru. Judy Albert S/o Albert residing at Eraviputhenthurai conducted fishing/used the fishing vessel on in contravention of the Tamilnadu Marine Fishing Regulation Act-1983 U/s. schedule sec 11 and Tamilnadu Marine Fisheries Regulation Rules – 1983 U/s 6 (xii).

He is liable for punishment and hence the case is submitted before the Adjudicating Officer/Deputy Director of Fisheries, (Regional) Kanyakumari for adjudication. Pending final orders from the Adjudicating Officer, the following orders are issued in exercise of the powers vested to me U/s 15 of Tamilnadu Marine Fishing Regulation Act 1983 and U/s 9(1) Tamilnadu Marine Fishing Regulation Rules 1983.

1. The Fishing license granted to the above mentioned mechanized fishing boat is suspended till the adjudication is over.
2. The owner of the above mentioned fishing boat is here by directed to bring and protect his fishing boat in Jeppiar Fishing Harbour at Muttom Kanyakumari District and should not venture into sea for fishing till the adjudication by the adjudication officer.

The above orders are issued on under my signature and seal.

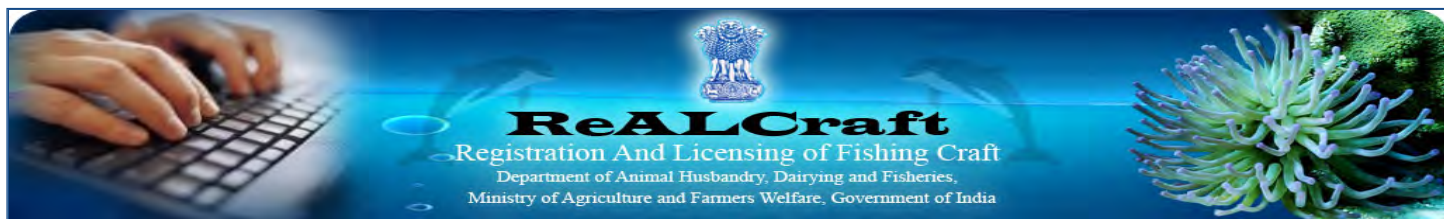
8/3/17
Authorized Officer (Kanyakumari West)
Assistant Director of Fisheries,
Colachel
Asst. Director of Fisheries
Colachel

To.

Thiru. Judy Albert S/o Albert
Eraviputhenthurai, Kanyakumari Dt.

olc





ReALCraft

Registration And Licensing of Fishing Craft
Department of Animal Husbandry, Dairying and Fisheries,
Ministry of Agriculture and Farmers Welfare, Government of India

[Home](#) [Report](#) [Analytical Report](#) [Search](#) [Help](#) [Change Password](#) [Logoff](#)

HEADLINES: Kindly send if any additional enhancements is needed.

User Name : COMMISSIONER OF FISHERIES

Logged on : 20-04-2017

Vessel Search

Registration Certificate Number : IND - - - -


(IND-State Code-Place of Registry-Type of Vessel-Serial No).
(eg:IND- KL-01-MO-123)

License Number : - L /

(State Code-L(Serial Number)/Year)
(eg:KL-L123/10)

Status of Applications Submitted So far

Serial No.	Service	Date of Application	Application Status	Certificate Status	Updated On
1	Vessel Registration	10/06/2016	Approved	Suspended	28/03/2017

Basic Vessel Details		Vessel Owner				
File Number:	TN-48946	Name of Owner:	JUDY ALBERT S/O ALBERT			
District:	KANYAKUMARI	Permanent Address :	I-2/134B, ST.CATHERINE STREET, ERAVIPUTHENTHURAI.			
Place of Registry:	COLACHEL					
Base of Operation:	ERAVIPUTHENTHURAI					
Registration Number and Date:	IND-TN-15-MM-5326 & 10/06/2016		Engine Details			
Name of the craft:	MERMAID		Make	Year of Make	Engine Number	HP
Vessel type:	Mechanized fishing boat Gill netter		Ashok Leyland		WME-369996	122
Length/Width/Draft :	19.000/6.400/3.000(in Metre)		Fuel Details			
Hull Material:	FIBER GLASS		Fuel	Tank Type	Capacity	
Present Craft Value(in Rs.):			Diesel	Main		
Water Storage Capacity(in Litre):			Gear Details			
Tonnage Capacity(in Tonne):	84		Gear Name : GILLNET			
Storage Capacity(in Kg):			Equipment Details			
When Secured:			Equipment			Quantity
Where Secured:			FIRST AID BOX			1
How Acquired:			G. P. S			1
			Echo Sounder			1
			WIRELESS			
			VERY HIGH FREQUENCY - VHF			
			Equipment Details			
			Equipment			Quantity
			FIRST AID BOX			1
			G. P. S			1
			Echo Sounder			1
			WIRELESS			
			VERY HIGH FREQUENCY - VHF			
			Certificate Status			
Registration Certificate Status:	Suspended					
Date:	28/03/2017					

[Click here to view Vessel Images](#)



28 February 2018

IOTC Reference: 6878

Mr Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries and Aquatic Resources
Sri Lanka

Email: dgdfar@gmail.com

Dear Mr Kumara,

NOTIFICATION OF SRI LANKAN FISHING VESSEL SUSPECTED OF HAVING FISHED ILLEGALLY IN THE WATERS OF THE UNITED KINGDOM (OVERSEAS TERRITORY)

Please find attached a document that has been submitted to me, for notification to the Government of Sri Lanka.

I trust that the Government of Sri Lanka, through your office, will provide its fullest cooperation in this case and provide the United Kingdom (Overseas Territory) and Secretariat with the full details of action(s) that Sri Lanka may have taken against the owner/master of the vessel.

Please also note that the information provided by the United Kingdom (Overseas Territory), plus any information that will be provided by Sri Lanka, will also be made available to the 15th Meeting of the IOTC Compliance Committee, to be held in mid-May.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. O'Brien'.

Christopher O'Brien
Executive Secretary

Attachments:

- Documents from the United Kingdom (Overseas Territory)

cc: Dr C. C. Mees – Head of Delegation of the UK (OT)
Mr H Mbilinyi – Chair of the IOTC Compliance Committee



Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

23 February 2018

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr MC Fernando; Ms K Hewapthinara; Ms G. Chandrasiri.DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 17/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged vessel Lakshi Duwa 06

As required in paragraphs 5 and 6 of Resolution 17/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying correspondence with Sri Lanka for the Sri Lankan flagged vessel Lakshi Duwa 6. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities who have taken action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2016). At the time of writing we await full details of the outcomes of the action taken.

Noting the effective bilateral relationship established with Sri Lanka, and their firm and demonstrated commitment to combat IUU perpetrated by vessels flagged to Sri Lanka we recommend '(b) Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'. This recommendation is subject to the submission of evidence of the outcome of the actions taken by Sri Lanka to the Compliance Committee, and we reserve the option of changing our recommendation to '(c) Recommended for inclusion on IOTC IUU list' should this not be forthcoming.

I would be grateful if you could circulate this material for the information of the Compliance Committee

Thank you.

Yours sincerely

A handwritten signature in black ink that reads 'C.C. Mees'. The signature is written in a cursive, flowing style.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, Lakshi Duwa 6



IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 17/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in British Indian Ocean Territory.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	LAKSHI DUWA 06
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IMUL-A-0398-KLT
e	Photo	Yes, See Appendix 1
f	Call Sign (previous call sign, if any)	4 SF 3643
g	Owner (previous owner/s, if any)	Mr HSL FONSEKA No 344/24 Wadakahwella, Beruwala
h	Operator (previous operator/s, if any) and Master/Fishing Master	NK
i	Date of alleged IUU fishing activities	26/09/2017
j	Position of alleged IUU fishing activities	05 56.904 S 072 26.662 E
k	Summary of alleged IUU activities (see section B for more detail)	Operating without a licence and/or official documentation in BIOT water. Unable to provide evidence of logbook. Vessel IOTC registration expired in 2015. Fishing gear observed on-board were absent of markings. Vessel markings only present on bow, stern unmarked. No VMS system was present on board. Total of 200kg of catch on board.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached and photographed and boarded.
m	Outcome of Actions taken	Following approach and boarding the vessel was detained and escorted to Diego Garcia.

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a	Engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input checked="" type="checkbox"/>
b	Engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	Failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input type="checkbox"/>
d	Taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	Engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	Used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	Transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transhipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	Engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	Engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	Engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input type="checkbox"/>
k	Engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input type="checkbox"/>

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings and photographs)

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input type="checkbox"/>

Appendix I – Photographs.

Figure 1: Vessel photo



Figure 2: Bow markings



Figure 3: Unmarked stern



1 INSPECTION REPORT – SPB 001

1 Summary

Date of boarding	26/09/2017
Patrol type and number	FIPA 25
Vessel name	LAKSHI DUWA 06
Vessel type	IMUL
Vessel flag and home port	Sri Lanka / Beruwala
Vessel identification number	IMUL-A-0398-KLT
Vessel identification type	IMUL-A
IOTC# (if registered)	10121 (dated Sep 2015)
Vessel Master name	Mr HSL FONSEKA
SFPO	Mr Simon Browning
BPV crew	Mr David Lang
Outcome of boarding	Detained and escorted to Diego Garcia

2 Initial sighting details (Grampian Frontier)

Date and time of first sighting	26/09/2017 / 02:00 hrs				
Sighted by	Second Mate Dave Stockdale	Radar	X	Visual	
Position of target 1	06°05' S 072°19' E				
Course	220 degrees				
Speed	0.1 knt (likely drifting near the lines set)				
Range	4 n miles				
Bearing	-				
Comments:	<p>SFPO and Captain called and attended bridge. Decided to shadow the vessel at 4nm, blacked out all the ships lights to keep a covert signature. At 0522hrs the vessel increased speed to 4.5 knts. Active pursuit then proceeded with boarding conducted at 0700hrs.</p>				
Fisheries Pennant and Sierra Quebec Three Raised	26/09/2017 / 06:25hrs				
Target requested to stop and prepare for boarding.	26/09/2017 / 05:50hrs on VHF Channel 16				
Response to request for boarding	Nil response				

3 Launching of workboat

Time workboat launched	26/09/2017 0645hrs. 0930hrs and 1310hrs	
Workboat crew	Mr Jack Munro (Coxswain) Mr Ryszard Welyczko (Boatman). Afternoon Mr Jack Munro (Coxswain) and Mr Steve Cullen (Boatman).	
Comments on the approach to the FV: Vessel was going at a speed of 7knts North away from the location spotted at 0200hrs. The vessel was attempting to escape the patrol vessel. The RIHN FRC had to wheel in front of the fishing vessel to make the Captain understand that they had to stop.		
Photographic Evidence Collected (See Annex 1).	Port	X
	Starboard	X
	Stern	X
	Fishing gear	X
	Other	Marker Dan Buoys and fishing floats in the water with long-line attached.

4 Boarding details

Date and time vessel boarded	26/09/2017 0700 hrs	
Position vessel boarded	05 56.904 S 072 26.662 E	
Boarding party team	Mr Simon Browning and Mr David Lang and Mr Simon Browning and Mr J Szostek in the afternoon. The afternoon boarding was to direct the vessel toward fishing buoys indentified at sea.	
Language spoken	English	
Interpreter needed (Y/N)?	Name	None available

4.1 Crew details

Vessel Master name	Mr MP Silva	
Vessel Master nationality	Sri Lankan	
Vessel Master address	12/16B, Bonnelagoda, Beruwela	
Vessel Master D.o.B	01/09/1980	
Number of crew	5 (including Captain 6)	
Vessel crew nationality	Sri Lankan	
Are any crew under 18 (Y/N), if 'Y' provide details below.	No	
Do any crew have health issues (Y/N), if 'Y' provide details below.	No	
Observations: The vessel Captain insisted that he had done nothing wrong, he stated that the vessel had engine trouble. He explained the fish in the hold was for crew eating. He insisted that the fishing buoys and DAN Markers were not his. The Captain stated that they needed a mechanical machine to pull in the long-lines. The crew were uncooperative in recovering the fishing gear, all stating that it did not belong to the fishing vessel. The crew did not volunteer a mechanical winch device to haul the lines set. The crew were not aggressive. The crew were anxious to return to Sri Lanka.		

Photographic Evidence Collected (See Annex	Captain ID	x
--	------------	---

1).	Other crew id	x
-----	---------------	---

4.2 Vessel registration and paperwork

Fishing licence present (n) and number if relevant	15 IMUL 2066 KLT 025	
Fishing licence date of issue, expiry and issuing authority	Not detailed	
FV owner name (as per licence)	Mr HSL FONSEKA (National ID 583641122V)	
FV owner details (as per licence)	Mr HSL FONSEKA (National ID 583641122V)	
Fishing logbook present (y/n) and number if relevant	LB 14 3610	
Issuing authority	Sri Lankan Fisheries authority	
Date of last entry	No evidence	
Position of last entry	No evidence	
Other paperwork: Identification paperwork, and Departure Port documentation.		
Photographic Evidence Collected (See Annex 1).	Licence	X
	Logbook	X
	Other	x

4.3 Interview with Captain

Time of interview	07:00 hrs (HH:MM)
Captain's rights read and understood?	The Captain was spoken to but not interviewed. The Captains understanding of English was very poor. It was difficult to communicate. Most information was determined through documentation obtained.
FV Port of departure	Beruwala
Date of departure	09/09/2017
Travelling to or from fishing grounds?	Beruwala
Amount of fish onboard (t)	1 tonnes (although difficult to estimate as the hold is too small to get inside and look through and deck too small to take the contents out).
If fish onboard where caught?	Yes
If fish onboard when caught?	Less than one day (from the condition of the fish 2-4 hours).
If fish onboard how caught?	Long-line and net (most likely long-line).
Destination	Beruwala
Port of return	Beruwala
Anticipated date of return	Not known
Comments:	

4.4 Vessel inspection

Fishing gear type	Gill Net and Long-line		
Comments: The long line was stowed but ready for setting, the long-lines were attached to wire trace and buoys. No bait was present but the fishing equipment could have been baited and set relatively quickly. The Gill nets was stowed on the deck in an open stowage hold.			
Catch onboard (estimated t)	1		
IOTC species onboard (Y/N)	Yes	Endangered species onboard (Y/N)	No
Description of catch Mainly Kawakawa, Tuna and Grouper (Leopard Coral Grouper). Undetermined fish were in a barrel on the wheel house deck. This appeared to have been processed (filleted).			
Comments: Exact species and quality by weight was difficult to estimate due to hull size and deck space.			
Photographic Evidence Collected (See Annex 1).	Gear	X	
	Catch	X	
	Hold	X	

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X (fish were caught 2- 4 hours)
Fishing with prohibited fishing gear	
Possession of prohibited fishing gear	X (wire trace)
Obstruction of a fisheries patrol officer	X (refusing to haul the lines set)
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
<p>Comments:</p> <p>During the whole process the Master was uncooperative stating his innocence. He refused to accept that the fishing buoys located belonged to his fishing vessel. The location was the position the fishing vessel was first spotted on radar at 02:00hrs on the 26 October.</p> <p>First position plot of the fishing vessel: 06 05 S 72 19 E. First DAN marker buoy position: 06 07 S 72 20 E. Second fishing floats position: 06 08.002 S 72 20.04 E. Second DAN marker buoy position: 06 09.29 S 72 20.117 E.</p> <p>These positions were recorded so the Grampian Frontier could return to the position to check for fishing equipment. The position of the fishing vessel whilst drifting at 02:00hrs and the marker buoys located between 1400hrs and 1530hrs would indicate that the equipment belonged to the fishing vessel. The nylon rope, plastic ties, swivels were all identical to that seen on the fishing vessel. The marker buoys, floats and DAN buoys located at sea with fishing gear attached were all similar to those found on the vessels. The crew refused to haul the lines buoyed at sea, claiming that it could only be achieved by a mechanical winch. After deliberation the lines were cut from the buoys and let to fall to the sea bed.</p> <p>The Master and crews understanding of English was poor, it is believed that they understood that fishing was illegal within the BIOT waters and that they had been found with clear evidence of fresh caught fish and wire trace equipment. The crews understanding that having wire trace on the vessel was illegal was not clear.</p>	

¹Mark with an 'X'

After some time it was established that the fishing vessel was to return to Diego Garcia for the British Police to interview the crew.

5.2 IOTC CMM violations

Vessel not marked with name or callsign	
Fishing gear not marked with name or callsign	X
No VMS (if relevant i.e., >15m)	X
VMS not tamperproof (if relevant i.e., >15m)	N/A
No state issued logbook (if relevant i.e., >24m)	
No state issued licence	X (no licence evident although other documentation recoded the licence number)
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X (not in date)
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	
Comments	

6 SFPO actions²

Vessel and Master detained and escorted to DG	X
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed (Res: 11/03)	X
Master given verbal warning and released	
No further action, vessel released	
Comments (when detained / escorted)	

7 Disembarkation and recovery

Time FV disembarked		(HH:MM)
Time Workboat recovered to the BPV	0845hrs and 1600hrs	(HH:MM)
Comments		

8 Vessel records and history

Vessel on IOTC register (Y/N)	Out of date	IOTC number	10121 (sep 2015)
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)		Inspection report ID	
Master previously boarded (Y/N)		Inspection report ID	
Owner previously boarded (Y/N)		Inspection report ID	
Crew previously boarded (Y/N)		Inspection report ID	
Comments;			

Simon Browning
British Indian Ocean Territory
Senior Fisheries Protection
Officer

26/09/2017

Annex 1: Photograph / Video Log

Stage of Boarding / Inspection	Type of Photograph	Still	Filename(s)
Prior to Boarding	Port	X	File names from DSC 0001 to DSC 0212
	Starboard	X	
	Stern	X	
	Fishing gear	X	
	Other	X	
Crew identification	ID photographs	X	
	Captain photos	X	
	Crew photos	X	
Vessel Documentation	Licence	X	
	Logbook	X	
	Other	X	
Vessel Inspection	Gear	X	
	Catch	X	
	Hold	X	

Appendix III – Notification of Investigation and Request for Cooperation



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Geethamali Chandrasiri
Assistant Director
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

27 September 2017

E-Mail: Geethamali Chandrasiri ip@fisheriesdept.gov.lk
Cc: Director General melfenando@gmail.com;
Nuwan Gunawardana nuwan54@gmail.com;
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Dr Chandrasiri,

Request for Confirmation of Ownership of the Sri Lankan vessel LAKSHI DUWA 06

The Sri Lankan flagged vessel Lakshi Duwa 06 (IMUL-A-0398KLT, IOTC010121 (last recorded active in 2014)) is currently the subject of a criminal investigation into suspected illegal fishing activity. In order to complete the investigation the BIOT Administration needs to be clear as to the accurate details of the registered owner before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of this vessel are preliminary, no finding has been made by the Administration of any such activity.

According to the best information available to the Administration the owner's name and address are as follows;

Source	Owner Name / Address
Fishing Licence (15 IMUL 2066 KLT 025)	HSL. FONSEKA
IOTC Record of Active Vessels	HSL. FONSEKA 22/344, WADAKAHAWALA, WADAKAHAWALA, BERUWALA

Please can you confirm the ownership details for the vessel? We would be grateful for a formal signed response with a DFAR letterhead, which can be scanned and sent by email as soon as possible, preferably before Friday 29th September 2017.

Thank you for your cooperation.

Yours sincerely

Linsey Billing
BIOT Administrator

Dr Christopher Mees
Head of UK Delegation to IOTC

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

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Office of Director General 472187



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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net
Web : www.fisheriesdept.org

Mr. John Pearce
Principal Consultant, MRAG Ltd
18 Queen Street
London, W1J 5PN
United Kingdom

Dear Mr. Pearce

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.
New Secretariat, Maligawatta, Colombo 10.

දිනය } 23 /09/2017
திகதி }
Date }

Confirmation of ownership details of the Vessel "Lakshi Duwa 06" (IMUL-A-0398-KLT)

This is in reference to your letter dated 27th September 2017 requesting confirmation of the ownership details of the Vessel "Lakshi Duwa 06" (IMUL-A-0398-KLT).

We confirm the owner of the above vessel is as follows.

Owner Name/address	Sources
FONSEKA HSL (National ID No. 583641122V) 22/344, WADAKAHAWALA, BERUWALA, SRI LANKA	DFAR Vessel Registry, DFAR operation license registry (within EEZ)- Copy of the vessel registration attached.

The owner has been granted permission to operate only within EEZ of Sri Lanka. We noted this incident is an intentional violation of the existing fisheries regulations of Sri Lanka.

There are provisions under the Fisheries and Aquatic Resources Act No. 2 of 1996 (amended, 2013) to take legal actions against the fishers who violate the regulations. Therefore we recommend to send the vessel and the fishers to Sri Lanka for the prosecution with the assistance of your investigation and witness provided.

Your continuous support on this regard is highly appreciate

Thank you
Yours sincerely

M.C.L. Fernando
Director General

M. Christy Lal Fernando
Director General
Department of Fisheries & Aquatic Resources

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பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170
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கடற்பொழிவு, நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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Ms. Denise Bradshaw LLB (Hons), Dip FMS, Dip FHID
Solicitor, Principal Legal Adviser,
Head of Prosecution,
British Indian Ocean Territory.

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புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.
New Secretariat, Maligawatta, Colombo 10.

දිනය }
திகதி } 19 /10/2017
Date }

Dear Ms. Bradshaw,

Updated status of the Sri Lanka Vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Vessel Superfresh 02 (IMUL-A – 0128 GLE) and Lakshi Duwa2

This is reference to your e-mail dated 18th October on the above. I draw your attention to the current position of the Sri Lanka Vessels presumed to have carried out IUU fishing in the BIOT waters.

Vessel Name & Reg.No	Status as at 3 rd May 2017
1. Superfresh 02 IMUL-A – 0128 GLE	<ul style="list-style-type: none">Last updated date was 3rd May 2017.Owner has given 90days period to pay the fine imposed to the courts of Diego GarciaSince not paid DG/DFAR ordered to take actions as per 52B of FARA Act No.2 as amended 2016 (Annex – I and II)Accepted the guilty. Imposed administrative penalties. (Annex- III)Receipt of the first payment of the penalty on 14.08.2017(Annex- IV)The owner has asked to fix Vessel Monitoring Device onboard and not complied.Permission not granted to depart for fishing.Vessel is being anchored at the harbor.
2. Lakshi Duwa 06 IMUL-A – 0398 KLT	<ul style="list-style-type: none">DG/DFAR issued an order to seize the vessel as soon as arrive to the port of Sri Lanka. (Annex –V)The owner accepted the guilty.Initiated legal actions as per 14F of FARA Act No.2 of 2013.(Annex-VI)Filed a case in Magistrate Courts Kalutara -Case No 78232Next trial date - 08.12.2017The prosecutor will request for evidence during the process of trial.

Please find attached two Acts (Annex II and V) recently enacted in Sri Lanka in respect of certain matters relating to illegal fishing. However none of the laws of Sri Lanka, allows DFAR to receive, fine on behalf of the British Indian Ocean Territory Administration, payments from fisher people of monies they have been fined by the BIOT Court.

Thank You
Yours sincerely

Kalyani Hewapathirana
Deputy Director
Department of Fisheries and Aquatic Resources Sri Lanka

H. P. K. Hewapathirana
Deputy Director (Fishery Biology)
Department of Fisheries & Aquatic Resources
Maligawatte, Colombo 10.



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கடற்பொருளில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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ස.සෙ. ක.වෙ.ක.පි. P.O.Box	531	මගේ අංකය எனது இல. My Ref.	DFAR/FM/K/IUU/2017
සාමාන්‍ය දුරකථන பொது தொலைபேசி Gen. Telephone	+94 (0) 11 2446183 (2 lines)	ඔබේ අංකය உமது இல. Your Ref.	
ෆැක්ස් தொலைநகல் Fax	+94 (0) 11 2449170	දිනය திகதி Date	21.12.2017

Ms. Denise Bradshaw LLB (Hons), Dip FMS, Dip FHID
 Solicitor, Principal Legal Adviser,
 Head of Prosecution,
 British Indian Ocean Territory.

Dear Ms. Bradshaw,

Updated status of the Sri Lanka Vessels presumed to have carried out IUU fishing in the IOTC Area of Competence:
Vessels Superfresh 02 (IMUL-A – 0128 GLE) and Lakshi Duwa 06 (IMUL-A – 0398 KLT)

This is reference to your letter dated 6th December 2017 by e-mail on the above. I draw your attention to the current position of the Sri Lanka Vessels presumed to have carried out IUU fishing in the BIOT waters.

Vessel Name & Reg.No	Status at 21.12.2017
1. Superfresh 02 IMUL-A – 0128 GLE	<ul style="list-style-type: none"> Last updated date was 3rd May 2017. Owner has given 90days period to pay the fine imposed to the courts of Diego Garcia Since not paid DG/DFAR ordered to take actions as per 52B of FARA Act No.2 as amended 2016. Accepted the guilty. Imposed administrative penalty of 500,000LKR. Vessel owner agreed to pay the fine in monthly installments of 25,000LKR. Only the first payment has made on 14.08.2017. The owner has asked to fix Vessel Monitoring Device onboard and not complied. Permission not granted to depart for fishing due to incomplection of fine payments . Vessel is being anchored at the Beruwela harbor under supervision of Coast Guard Dept.
2. Lakshi Duwa 06 IMUL-A – 0398 KLT	<ul style="list-style-type: none"> DG/DFAR issued an order to seize the vessel as soon as arrive to the port of Sri Lanka. (Annex –V) The owner not accepted the guilty. Initiated legal actions as per 14F of FARA Act No.2 of 2013. Filed a case in Magistrate Courts Kalutara -Case No 78232 Trial conducted 08.12.2017. Prosecution going on. Next trial date - 05.01.2018 The prosecutor will request for evidence during the process of trial.

Thank You
 Yours sincerely

M.C.L. Fernando
 Director General

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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Dr. C.C. Mees
Head of UK(OT) Delegation to IOTC
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London

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.
New Secretariat, Maligawatta, Colombo 10.

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திகதி } 26/04/2018
Date }

cc: Dr. Chris O' Brien, Executive Secretary;
Hoses Ginza Mbilinyi, Chair of the Compliance Committee;

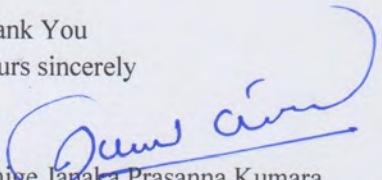
Dear Dr. Mees,

Resolution 17/03 - Updated status of the Sri Lanka Vessels and Lakshi Duwa 06 (IMUL-A – 0398 KLT) presumed to have carried out IUU fishing in the IOTC Area of Competence

This is reference to the letter dated 23.02.2018 of Head of UK(OT) to Executive Secretary IOTC and the letter of IOTC Reference:6878 on the above. I draw your attention to the details of the action(s) taken by Sri Lanka against the owner of the vessel Lakshi Duwa 06 (IMUL-A – 0398 KLT).

1. DG/DFAR issued an order to seize the vessel as soon as arrive to the port of Sri Lanka. (Annex –i)
2. The owner not accepted the guilty.
3. Initiated legal actions as per 14F of FARA Act No.2 of 2013.
4. Filed a case in Magistrate Courts Kalutara -Case No 78232 (Annex – ii)
5. Trial conducted 08.12.2017 and 05.01.2018.
6. At the trial on the date of 05.01.2018, The accused accepted guilty and agreed for compounding as per 52 (A) and 52 (B) of FARA Act No 2 of 1996 amended 2016.
7. Since this is the first time of the offence made by the vessel owner Magistrate Directed the case to be handled by Director General DFAR as per 52 (A) and 52 (B) of FARA Act No 2 of 1996 (Annex- iii)
8. Imposed Administrative Penalty of 750,000 SLR (Annex – iv)
9. Permission granted the accused to pay the penalty in monthly installments, value of each installments is 50,000LKR. ((Annex –v)
10. The First installment of the penalty is paid by the vessel owner. Receipt attached. ((Annex –vi)
11. The owner has ordered to fix Vessel Monitoring Device onboard and complete the fine payment
12. fishing license will not be issued until complete the above conditions, Currently the vessel is being anchored at the Beruwela harbor under supervision of Coast Guard Dept..

Thank You
Yours sincerely


Ginige Janaka Prasanna Kumara
Director General
Department of Fisheries and Aquatic Resources Sri Lanka

Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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New Secretariat, Maligawatta, Colombo 10.

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திகதி } 03/10/2017
Date }

Assistant Director
District Fisheries Office
Kalutara

Order to seize the vessel Lakshi Duwa 06 (IMUL-A- 0398KLT) reported on illegal fishing activities in BIOT waters

The BIOT authorities reported to this Department that the Sri Lanka vessel **Lakshi Duwa 06 (IMUL-A- 0398KLT)** is found illegally fishing in the waters of Diego Garcia (British Indian Ocean Territory). The Principal Legal Advisor of the BIOT informed that they conducted an investigation and they possess the witness statements, exhibits, photographs on the illegal fishing activity of the vessel.

The vessel has been released from their custody on Saturday the 31st September 2017 and departed Diego Garcia at 1500 local time. The estimated time and speed of return to Sri Lanka is estimated to be, 7 to 12 days travelling, if they sustain rates of 4 to 7 knots and depending upon weather and currents.

You are here by informed to take following actions on this vessels.

1. Inform the owner /local custodian and the family members on the present status.
2. Order the skipper to return directly to the home port of Sri Lanka immediately.
3. Seized the vessels immediately after arrival to the port and keep under the supervision of Coast Guard Department.
4. Conduct an inquiry before releasing the skipper and the crew with the presence of the vessel owner and report to the Head office.
5. Suspend the fishing operation license, Skipper license and seize the registration book and the log book issued to the vessel.

M.C.L. Fernando
Director General

- Copy – 1. Commander, Sri Lanka Navy – For necessary action pl.
2. Director General, Department of Coast Guard – For necessary action pl.
3. Harbour Manager, Ceylon Fisheries harbor Cooperation, Beruwala – For necessary action pl.
4. Assistant Director, High Seas Unit – For information
5. Vessel Registry Unit – DFAR- For information



Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

27 April 2018

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Ginige ; Ms K Hewapthinara; Ms G. Chandrasiri.DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 17/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged vessel Lakshi Duwa 06

Further to my communication dated 23 February with enclosed IOTC Reporting form for Illegal Activity for the Sri Lankan Flagged vessel Lakshi Duwa 06, the BIOT Administration have received the attached documentation from the Director General, DFAR, with cover letter dated 26 April 2018.

The BIOT Administration have reviewed the documentation and are satisfied that Sri Lanka has taken effective action against the owner of the vessel Lakshi Duwa 06, including prosecution and imposition of sanctions of adequate severity as required under paragraph 14d of Resolution 17/03. Therefore the UKOT recommends 'a) Notification to IOTC Secretariat, No further action is recommended'.

The BIOT Administration are satisfied that this case has been resolved bilaterally. We note the effective bilateral relationship established with Sri Lanka, and their firm and demonstrated commitment to combat IUU perpetrated by vessels flagged to Sri Lanka.

Yours sincerely

A handwritten signature in black ink that reads 'C.C. Mees'. The signature is written in a cursive, flowing style.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

Enclosed: Correspondence received from Sri Lanka, dated 26/04/18

IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 17/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in [area in which the activity took place] Seychelles Waters

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Poseidon
b	Current Flag (previous flag/s, if any)	Seychelles
c	Date first included on IOTC IUU Vessel List (if applicable)	Not Applicable
d	Lloyds IMO Number, if available	8703660
e	Photo	
f	Call Sign (previous call sign, if any)	S7UH
g	Owner (previous owner/s, if any)	Poseidon Marine Co. Ltd
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Poseidon Marine Co. Ltd / Tung Chi Tseng
i	Date of alleged IUU fishing activities	2 nd November, 2018
j	Position of alleged IUU fishing activities	Seychelles EEZ
k	Summary of alleged IUU activities (see section B for more detail)	Carrying of Shark Fins without Carcasses
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Prosecution of vessel Master, as per provision of Seychelles Fisheries Act and Regulations
m	Outcome of Actions taken	Matter settled out of court for a sum

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input type="checkbox"/>
b	engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input type="checkbox"/>
d	taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input type="checkbox"/>
i	engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input type="checkbox"/>
k	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input checked="" type="checkbox"/>

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)

Statement of Fact

Compounding Agreement between Seychelles and the Vessels Master

D. Recommended Actions

Recommended Actions	Indicate
a Notification to IOTC Secretariat only. No further action is recommended.	<input checked="" type="checkbox"/>
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input type="checkbox"/>



SEYCHELLES FISHING AUTHORITY

P.O Box 449,
Fishing Port, Mahé
Republic of Seychelles
Telephone: 467 0300 Fax: 422 4508 E-mail: management@sfa.sc



Please address all Correspondence to the Chief Executive Officer

STATEMENT OF FACT

Date: 9 November, 2017

To Whom It May Concern

RE: Illegal harvesting of Shark Fins by Seychelles Flagged vessel Poseidon

On the 2nd of November 2017, at 11:12 am the Seychelles Fishing Authority received report via email that the vessel Poseidon was carrying onboard a number of shark fins, to which is was estimated to be around 200Kg. The report was received from the Regional Patrol Vessel OSIRIS which at the time was conducting patrol within the Exclusive Economic Zone (EEZ) of Seychelles, with the support of Authorized Fisheries officers of Seychelles. The boarding team also observed the following

- That there were no corresponding shark carcasses found on the vessel. And;
- That the vessel did not declare on their logbook any interaction with shark species.

The vessel was requested to proceed immediately to Port Victoria by the SFA for further investigation on the matter. The inspection was carried out on the 8th of November at Port Victoria. Upon inspection, authorized officers observed the following;

- A total of 729kg of shark fins was present onboard the vessel
- No carcasses of shark were present onboard the vessel
- No interaction with species of shark were recorded in the logbook
- A number of other species of fish which totals to 44,455kg

According to the report submitted by the patrol vessel, the captain also denied having shark fins onboard during the inspection while being interrogated by the authorized officers.



Responsible Fishing For Sustainability



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As per analysis undertaken by scientist at the SFA, the amount in weight of shark fin observed on the vessel represents for an approximate total mass of 14,580Kg worth of sharks, after evisceration.

Regulations 3, 4, 6, and 7 of the Fisheries (Shark Fining) Regulations provides that;

3. No Person shall on board a fishing vessel remove fins from sharks except under and in accordance with an authorization issued in respect of that vessel by SFA.
4. No person shall keep on board a fishing vessel or transship or land therefrom shark fins removed contrary to regulation 3.
6. All fishing vessels authorized under regulation 3 are prohibited from discarding at sea the remnant of sharks after the removal of fins except for those parts that result from gutting and beheading.
7. The landed weight of shark fins shall not exceed 5 per centum of the landed weight of all other parts of sharks after evisceration or 7 per centum of the landed weight of other parts of sharks after evisceration and beheading.

With regards to the offence, regulation 10 provides as follows:

An operator and master of a fishing vessel convicted of an offence of breach of regulations 3, 4...shall be liable to a fine of R500, 000.

Noting that the SFA currently allows for long liners to remove shark fins from sharks for the purpose of preservation by freezing, the vessel should have onboard a minimum of 14,450kg of shark meat, given the number of fins observed on the vessel. As such, given the absence of any shark carcasses without fin, the vessel has contravened the provision of the Fisheries (Shark Fining) Regulations.



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Furthermore, the Fisheries Regulations, 1987 prescribes license conditions for foreign fishing vessels licensed to operate within the Seychelles waters. Regulation 6(d) of the Fisheries Regulations provides as follows;

The vessel shall maintain a logbook in which are recorded the nature, time and position of all fishing operations in the Seychelles Waters, and the quantity of catch by species, including fish caught but not landed onboard.

Same Condition is iterated in Regulation 8 of the Fisheries (Shark Finning) Regulations, whereby Regulation 8(2) stipulates that;

The master of each fishing vessel shall record all catches of shark in the log book issued by SFA.

Noting the fact that the vessel did not declare in its logbook any interaction with shark, the SFA concludes that this is in direct contravention for the above mentioned license conditions. The fisheries act 2014 makes the breaching of any license condition an offence in Section 59(6)(a) thereof, and Section 59(9)(a) prescribes a fine of

...not less than SCR1, 250,000 and not exceeding SCR6, 250,000, if the offence involves the use of a...Seychelles fishing Vessel.

In view of the above matters mentioned, the SFA has come to the following conclusions;

- That the vessel has contravened provision of the Fisheries (Shark Finning) Regulations given that there were no shark carcasses of a minimum of 14,580 kg onboard the vessel to correspond to the 729KG of shark fins present on the vessel.
- Has breached one license condition prescribed in the Fisheries Regulations by not declaring in its logbook interaction with the sharks of which the fins kept on the vessels were removed, and as such the vessel is liable to a fine *not less than not less than SCR1, 250,000 and not exceeding SCR6, 250,000*;
- The vessel captain was fully aware of the consequences of keeping shark fins onboard his vessel, as he denied having any shark fins onboard his vessel during the first at sea inspection by the Authorized officers in the 2nd of November.



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- That the vessel should not be fined the minimum for breaching the license condition as the vessels captain was fully aware of the consequences of his action, and also considering the amount of fins taken from the vessel.

Thanking you for your consideration.



Johnny Louys
Manager, Monitoring Control and Surveillance
Seychelles Fishing Authority



Responsible Fishing For Sustainability

99B/n.

AGREEMENT OF COMPOUNDING UNDER SECTION 72 OF THE FISHERIES ACT

THIS AGREEMENT made this 11th day of November 2017

BETWEEN

THE GOVERNMENT OF SEYCHELLES, represented herein by Pamela Charlette, Minister for Fisheries & Agriculture, on the one Part;

AND

Mr. Tung Chi-Tseng, a national of Republic of China (Taiwan) bearer of Passport no. 305483758 and being the Master of f.v. **POSEIDON**, a Seychelles Fishing vessel (herein after " Vessel") on Second Part;

AND

Allied Agency Ltd, Shipping Agency, represented by Mr. Jamshed Pardiwalla being the Agent and Representative of the Owner and Operator of the Vessel, on the Third Part (herein after called Parties);

WHEREAS

The Minister is satisfied that offences have been committed by the Master of the Vessel under the Fisheries Act;

Mr. Tung Chi- Tseng, the Master of the Vessel has admitted to have committed

- (a) the offence of failure to record the catch of sharks in the log book, thereby contravening section 64 (1) (h) of the Fisheries Act 2014, entailing a fine of SR 450,000; and
- (b) The offence of discarding at sea the remnant parts of the sharks after removal of the fins contravening Regulation 6 of the Fisheries (Shark Finning) Regulations entailing a fine of SR 500,000(herein after " offences")

Now, the Parties have, under circumstances, bearing in mind the offender is a first time offender, agreed to compound the offences under the provisions of Section 72 (1)& (4) of the Fisheries Act as follows:

That the Minister has determined that a sum of Seychelles Rupees Five Hundred and Fifty Thousand (SR 550,000) as fine to be paid by the offender;

That the Master and the Agent and the representative of the owner of the Vessel **POSIEDON** have agreed to pay the said sum of Seychelles Rupees Five Hundred and Fifty Thousand(SR 550,000) as fine for both offences as above named and compound the offences;

That the shark fins shall be forfeited to the Government;

That the Agent & Representative of the Owner & Operator of the Vessel, Mr. Jamshed Pardiwalla shall effect the fine payment to the Government of Seychelles in the said amount of Seychelles Rupees Five Hundred and Fifty Thousand before the vessel is released from the custody.

[Handwritten signature]

[Handwritten signature]



This Agreement is made in 3 originals in English.

IN WITNESS WHEREOF the Parties to this Agreement hereby append their signatures:



.....
Mr. Tung Chi- Tseng,

Master of the Vessel f.v. POSIEDON(Offender)

A handwritten signature in blue ink, appearing to read 'Jamshed Pardiwalla', written over a dotted line.

Mr. Jamshed Pardiwalla

Agent & Representative of the Owner of the Vessel

A handwritten signature in black ink, appearing to read 'Pamela Charlette', written over a dotted line.

Pamela Charlette

Minister for Fisheries & Agriculture

THIS AGREEMENT made this 11th day of November 2017 in Mahe, Seychelles.